Legal Authority for Tobacco Control
in the United States,

3rd Edition

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TABLE OF CONTENTS

ACKNOWLEDGEMENTS .......................................................... 5
FOREWORD ............................................................................ 7
OVERVIEW ............................................................................. 9
ALABAMA .............................................................................. 17
ALASKA ................................................................................ 19
ARIZONA ................................................................................ 21
ARKANSAS ............................................................................ 23
CALIFORNIA ........................................................................... 25
COLORADO ................................................................................ 28
CONNECTICUT .......................................................................... 30
DELWARE ................................................................................ 32
DISTRICT OF COLUMBIA ...................................................... 34
FLORIDA ................................................................................. 36
GEORGIA ................................................................................ 38
HAWAII .................................................................................. 40
IDAHO ..................................................................................... 42
ILLINOIS .................................................................................. 44
INDIANA .................................................................................. 46
IOWA ....................................................................................... 48
KANSAS ................................................................................... 50
KENTUCKY ............................................................................... 52
LOUISIANA ............................................................................... 54
MAINE ..................................................................................... 56
MARYLAND ............................................................................... 58
MASSACHUSETTS ................................................................. 61
MICHIGAN ............................................................................... 63
MINNESOTA ............................................................................. 65
MISSISSIPPI ............................................................................. 67
MISSOURI ................................................................................ 69
MONTANA ............................................................................... 71
NEBRASKA ............................................................................... 73
NEVADA .................................................................................. 75
NEW HAMPSHIRE ................................................................. 77
NEW JERSEY ........................................................................... 79
NEW MEXICO ........................................................................... 81
NEW YORK ............................................................................... 83
NORTH CAROLINA ............................................................... 85
NORTH DAKOTA ...................................................................... 87
OHIO ......................................................................................... 89
OKLAHOMA ............................................................................. 91
OREGON .................................................................................... 94
PENNSYLVANIA ...................................................................... 96
RHODE ISLAND ....................................................................... 98
SOUTH CAROLINA ................................................................. 100
SOUTH DAKOTA ...................................................................... 102
TENNESSEE ............................................................................ 104
TEXAS ......................................................................................... 106
UTAH ......................................................................................... 108
VERMONT ................................................................................. 110
VIRGINIA ............................................................................... 112
WASHINGTON ....................................................................... 114
WEST VIRGINIA ..................................................................... 116
WISCONSIN ............................................................................. 118
WYOMING .............................................................................. 120
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DISCLAIMER

The Legal Authority for Tobacco Control in the United States, 3rd Edition is for information purposes only. For legal advice please consult a practicing attorney who has thorough knowledge of the current law in your state or locality.

The National Association of Local Boards of Health does not guarantee the contents of this resource. Laws change frequently and interpretations of statutes vary from court to court.

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The National Association of Local Boards of Health (NALBOH) is pleased to provide this update to *Legal Authority for Tobacco Control in the United States, 3rd Edition* (Legal Authority) to boards of health and others interested in working toward the reduction and elimination of tobacco use. This report is a compilation of the legal authority for 13 areas of tobacco control and is not a compilation of the laws in each state.

The mission of NALBOH is to prepare and strengthen boards of health (BOH), empowering them to promote and protect the health of their communities through education, training, and technical assistance. BOH are responsible for fulfilling three public health core functions: assessment, policy development, and assurance. This means that, for each health agency they oversee, BOH ensure that there are sufficient resources, effective policies and procedures, partnerships with the public, and regular evaluation of the agency’s programs and services, including tobacco use prevention and control.

Regardless of a board’s legal authority to implement or enforce tobacco control laws, it is always able to support the authority within the state that is charged with implementing and enforcing these laws and they can remain involved in these issues. Although many successes have occurred over the past years, tobacco use remains an enormous public health concern in the United States. The Legal Authority provides tobacco control advocates and concerned citizens with information to assist them in identifying appropriate policy making authorities for tobacco control efforts.
Legal Authority to Restrict Smoking in Public Places

Smoking is the single greatest avoidable cause of disease and death. The health risks of secondhand smoke (also known as environmental tobacco smoke and passive smoking) are significantly supported by scientific evidence. Over the years, the science of secondhand smoke has driven secondhand smoke policy from separate smoking and nonsmoking sections to separately ventilated smoking rooms to 100% smoke-free environments.

The California Environmental Protection Agency estimates that secondhand smoke exposure causes approximately 3,400 lung cancer deaths and 22,700–69,600 heart disease deaths annually among adult nonsmokers in the United States. It is now possible to prove that smoke-free policies work to protect nonsmokers from the death and disease caused by exposure to secondhand smoke.

The 2006 report released by the Surgeon General, *The Health Consequences of Involuntary Exposure to Tobacco Smoke*, contained six major conclusions:

1. Many millions of Americans, both children and adults, are still exposed to secondhand smoke in their homes and workplaces despite substantial progress in tobacco control.


3. Children exposed to secondhand smoke are at an increased risk for sudden infant death syndrome (SIDS), acute respiratory infections, ear problems, and more severe asthma. Smoking by parents causes respiratory symptoms and slows lung growth in their children.

4. Exposure of adults to secondhand smoke has immediate adverse effects on the cardiovascular system and causes coronary heart disease and lung cancer.

5. The scientific evidence indicates that there is no risk-free level of exposure to secondhand smoke.

6. Eliminating smoking in indoor spaces fully protects nonsmokers from exposure to secondhand smoke. Separating smokers from nonsmokers, cleaning the air, and ventilating buildings cannot eliminate nonsmokers’ exposures to secondhand smoke.

Local Smoke–free Laws:

When a community’s elected officials move to protect their citizens against the health hazards of secondhand smoke, tobacco companies often try to fight local ordinances through preemption at the state level. Smoke-free air legislation is often easier to enact at the local level where policymakers are most responsive to the concerns of constituents and less influenced by tobacco industry lobbyists.

According to state statutes researched for the purpose of this document, local boards of health in five states (GA, KY, MA, MD, WV) have the legal authority to restrict smoking in public places.

Enforcement:

Compliance rates tend to be very high for local laws. Local enforcement agencies such as health departments are easily accessible to the community, whereas statewide enforcement may be less reliable or responsive. In addition, not every community in a state is at the same level of public education regarding secondhand smoke. NALBOH encourages boards of health to support 100% smoke-free indoor air laws.

According to state statutes researched for the purpose of this document, local boards of health in ten states (GA, KS, MA, MT, NE, NJ, NY, OR, PA, VT) have the legal authority to enforce restrictions on smoking in public places.

Legal Authority to Restrict Vending Machine Sales of Tobacco Products

How and where youth obtain cigarettes varies depending on the laws that are in place in a

OVERVIEW

Legal Authority to Restrict Smoking in Public Places

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Compliance rates tend to be very high for local laws. Local enforcement agencies such as health departments are easily accessible to the community, whereas statewide enforcement may be less reliable or responsive. In addition, not every community in a state is at the same level of public education regarding secondhand smoke. NALBOH encourages boards of health to support 100% smoke-free indoor air laws.

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Vending machines are an easily accessible source of cigarettes for adults and adolescents who may be contemplating smoking or who are just beginning to smoke. Vending machines are self-service, which makes it difficult to hold a particular individual liable for illegal sales to minors, and employees may not feel the same responsibility. Implementing a policy to ban tobacco vending machine sales, particularly in places accessible to young children, will help to decrease access.

Forty-eight states (except NJ or NH) and the District of Columbia restrict minors’ access to tobacco through vending machines. Seventeen states (AZ, CA, CT, DE, HI, IA, LA, MA, ME, MN, MS, PA, TX, UT, VA, WV, and WI) prohibit tobacco vending machines everywhere except bars, taverns, or other places where minors are not permitted by law. Eleven states (AK, IN, MI, MT, NE, NY, OK, OR, SD, WA, and WY) and the District of Columbia restrict vending machine placements to bars, private clubs with liquor licenses, and workplaces not generally open to the public.

With the signing of the Family Smoking Prevention and Tobacco Control Act in June 2009, all states must restrict vending machines to adult-only facilities. However, the new law has no affect or preemption over any state’s current restrictions on vending machines.

According to state statutes researched for the purpose of this document, local boards of health in one state (MA) have the legal authority to restrict vending machine sales of tobacco products. Two states (MA, NY) have the authority to enforce such restrictions.

### Legal Authority to Ban Free Tobacco Samples and Single Cigarette Sales

All 50 states and the District of Columbia prohibit the distribution of tobacco products to minors. As of 2008, 20 states (AR, CA, CT, GA, HI, IA, ID, KS, MA, MN, NE, NH, NY, OK, RI, SD, TN, UT, WA, WI) and Washington D.C. restrict where free samples of tobacco products may be distributed to the general public or completely prohibit the free distribution of tobacco products. As of the new law enacted by the signing of the Family Smoking Prevention and Tobacco Control Act, no state or the District of Columbia may provide free samples of cigarettes or sell cigarettes in packages containing fewer than 20 cigarettes.

According to state statutes researched for the purpose of this document, local boards of health in one state (MA) have the legal authority to ban free tobacco samples and single cigarettes. Two states (MA, NY) have the authority to enforce such restrictions.

### Legal Authority to Ban Self-Service Tobacco Displays

A self-service tobacco display (SSTD) is the open display of tobacco products which the public has access without the intervention of a store employee. SSTDs include, but are not limited to, a rack, shelf, or countertop display. In many states and municipalities, it is unlawful for any person, business, or tobacco retailer to sell, permit to be sold, or offer for sale any tobacco product by means of a SSTD. These laws result in a decrease in youth purchase rates.

As of July 1, 2006, California alone had a total of 135 municipalities with ordinances restricting self-service tobacco displays. Efforts to enact bans on SSTD will likely be met with retail and tobacco industry opposition. However, community debate, publicity on the issue, and enactment of SSTD laws may serve to increase merchant awareness of youth tobacco laws and penalties and contribute to reduced youth cigarette sales rates.

In June 2009, the signing of the Family Smoking Prevention and Tobacco Control Act has restricted all self-service displays to adult-only facilities. The new law does not affect or preempt a state’s current restrictions on self-service displays.

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Legal Authority to Restrict Internet Tobacco Sales and Distribution of Tobacco Products

In recent years, there has been an increase in the number of youth who purchase cigarettes through the Internet. A 2003 study published in the Journal of the American Medical Association found that youth have easy access to cigarettes on the Internet because many online vendors do not check ages or do not have an age verification process. Increased sales of tobacco products over the Internet pose a key challenge to public health efforts to reduce smoking and other tobacco use.

Major points to consider regarding Internet tobacco sales:

- Internet cigarette retailers typically lack age verification protocols that are effective at keeping underage youth from purchasing cigarettes.
- The tobacco industry has exaggerated concerns about Internet cigarette retailers in an effort to oppose taxes on cigarettes.
- Customers are required to pay state cigarette taxes on all cigarettes purchased from Internet cigarette retailers.
- Federal law requires all Internet cigarette retailers to report names of their customers to local state tax officials in almost all cases.

Since the appearance of Internet cigarette retailers, states have developed a variety of regulatory and law enforcement approaches to address this issue. Many states have passed youth access laws tailored specifically for Internet cigarette retailers. Others have adopted new laws to increase tobacco tax compliance and simplify tax collection. The Jenkins Act, a federal law passed in 1949, requires any person or business that ships cigarettes to a state imposing a tobacco tax to disclose to the local tax enforcement officials the name and address of the shipper and the purchaser. Although the Jenkins Act does provide a tax enforcement option, few Internet retailers comply with the existing laws and federal enforcement has been low.

Enforcement of Internet cigarette sales is complicated. Many Internet cigarette retailers are located on the lands of sovereign Native American tribes where state laws are unenforceable. States have developed a variety of strategies, including cooperating in multi-state enforcement efforts. Some of the enforcement tools include the compliance check and licensing, which allows authorities to prohibit sales if needed.

Public health advocates are concerned that less expensive cigarette prices and easy access offered by Internet cigarette retailers may cause more people to smoke. While Congress may pass legislation to regulate Internet cigarette retailers in the future, states may implement tobacco control policies to counter Internet cigarettes retailers now.

Legal Authority to Levy Taxes on Tobacco Products

All 50 states and the District of Columbia levy an excise tax on cigarettes. The national state average as of October 12, 2009 was $1.34 per pack. The increased tax per pack of cigarettes contributes more to state revenue than is lost through related reductions in the number of packs sold and taxed in the states.

Forty-nine states and the District of Columbia have excise taxes on tobacco products other than cigarettes. Pennsylvania does not impose tax on other tobacco products. The regular practice of states is to tax spit or smokeless tobacco, cigars, and other forms of tobacco products other than cigarettes at a percentage of their wholesale price. A few states tax all or some of the other tobacco products based on weight. This approach has been supported by the United States Tobacco Company (UST) as a way to reduce the tax rate, therefore it
is recommended to tax these products at a percentage of the wholesale price.6

The majority of counties and cities do not have their own cigarette tax rates, but over 460 local jurisdictions do impose taxes bringing in more than one billion dollars of annual revenue.7 The highest current tax is New York City at $4.25 per pack (city - $1.50 and state - $2.75). Increasing cigarette and other tobacco product taxes creates a healthier environment that reduces smoking and saves lives, raises revenue, reduces health care costs, and is popular with the public.

Native American sovereignty is an important issue when discussing taxation of tobacco products. The U.S. Supreme Court has said that states have the authority to require cigarette retailers on Native American lands to collect sales and excise taxes for cigarettes sold to non-tribal members. However, because of tribal sovereign immunity, states are barred from directly prosecuting the Native American retailers. There is an opportunity for states and municipalities to partner with their Native American counterparts to discuss smoking among Native Americans, who have some of the highest smoking rates.8

► Legal Authority to License and Revoke Licensure of Tobacco Product Retailers

State regulations requiring tobacco retailers to acquire a license vary. While some states require no license to sell tobacco products, regulations in other states vary from offering a statewide license with or without a fee to local laws and fees being set by individual municipalities to retailers in jurisdictions having two licenses. By requiring licensing, officials that enforce youth access laws have the capacity to penalize tobacco retailers that break such laws by penalizing vendors and/or suspending or revoking their licenses. Licensing of tobacco retailers provides municipalities with the authority to control the number of retailers that may sell tobacco products, and aids the enforcement agent in knowing which retailers sell tobacco. For licenses to be most effective, a community must include active enforcement of youth access laws including periodic compliance checks.14

All 50 states and the District of Columbia require the licensing of certain entities that sell tobacco products.21 For example, California strongly encourages localities to license retailers (in addition to the state law) and charge annual fees that provide sufficient resources for local law enforcement to conduct youth sales compliance checks that have meaningful suspension and revocation provisions.15 Several studies have examined licensing and enforcement. A study in Philadelphia from 1994 to 1998 found that active enforcement of licensed tobacco retailers resulted in a reduction of illegal sales by one-half.16

According to state statutes researched for the purpose of this document, local boards of health in one state (MA) have the legal authority to revoke permits for tobacco product retailers.

► Legal Authority to Restrict Tobacco Product Advertising and Sponsorship of Events

In states, there are two main bodies of law that feature tobacco-related advertising requirements: federal law and the 1998 Multi-State Master Settlement Agreement (MSA). The U.S. Supreme Court decided that only the Federal Government may regulate cigarette advertising. Additionally, the ability of any state or local government body to regulate the advertising of cigars and smokeless tobacco is very limited.17 However, in June 2009, the Family Smoking Prevention and Tobacco Control act was signed into law and changed the legal authority of states and locals to regulate tobacco advertising. Under this new legislation, state and local governments have the authority to restrict the color, size, number, placement, and location of tobacco advertisements under their jurisdiction.23

Although local law does not address tobacco advertising and promotion, for public safety reasons, local laws may exist that regulate the
amount of signage on buildings and sidewalks adjacent to specific buildings.¹⁸

The MSA establishes the following marketing and advertising restrictions on tobacco companies:¹⁹

- Eliminates tobacco billboards and transit ads.
- Prohibits the use of cartoon characters to promote tobacco products.
- Prohibits tobacco brand-name merchandise, except at tobacco-sponsored events.
- Prohibits tobacco brand-name sponsorship for concerts, events in which any contestants are under 18, or for football, baseball, soccer, or hockey (except for Brown and Williamson’s continued sponsorship of either the Kool Jazz Festival or the GPC Country Music Festival).
- Limits other tobacco brand-name sponsorships to one event or series annually per manufacturer.
- Permits free tobacco-product distributions only at locations where children are not permitted.
- Restricts offers of non-tobacco items or gifts based on proof of purchase to adults.
- Prohibits the use of non-tobacco brand names on tobacco or tobacco products.
- Reaffirms the previously agreed upon prohibition on tobacco product placement in movies and on TV.

The Family Smoking Prevention and Tobacco Control Act places the following marketing and advertising restrictions on tobacco companies: ²³

- Bans outdoor advertising within 1,000 feet of schools and playgrounds.
- Bans brand sponsorship of entertainment and sports events.
- Restricts all outdoor and point-of-sale tobacco advertisements to black text on a white background, except in adult-only facilities.
- Limits audio-visual advertising, except in adult-only facilities, to black and white visuals with no music, images, or moving images.
- Prohibits advertisements in publications with a significant teen readership to only black text on a white background.
- Bans free giveaways of all non-tobacco items through the purchase of a product or in exchange for coupons of purchase.

► Legal Authority to Criminalize the Possession or Purchase of Tobacco Products by Minors

All 50 states and the District of Colombia are formally required to have and enforce laws that prohibit sales of tobacco to individuals younger than 18 years of age, as a result of the Synar Amendment (Section 1926 of Title XIX of the Federal Public Health Service Act), passed by federal lawmakers in 1992.²⁰ Three states (Alabama, Alaska, and Utah) define minors as persons less than 19 years of age. Forty-five states penalize minors for some sort of tobacco-related offenses; however, penalties and enforcement vary widely.⁴

According to state statutes researched for the purpose of this document, local boards of health in one state (MA) have the legal authority to revoke permits for tobacco product retailers.
Legal Authority to Conduct Tobacco Compliance Checks

Federal law requires states to keep youth tobacco sales rates at or below 20%. Compliance with this requirement is measured through random checks of retailers during which youth attempt to buy tobacco. Compliance checks vary by state, but many require local entities to conduct compliance checks and educate retailers about the law.

According to state statutes researched for the purpose of this document, local boards of health in two states (MA, NY) have the legal authority to conduct tobacco compliance checks.

Legal Authority to Collect Fines from Penalties for Tobacco Control Violations

In each state or municipality an authority is in charge of controlling and/or distributing money collected from tobacco control violations.

According to state statutes researched for the purpose of this document, local boards of health in one state (MA) has the legal authority to collect fines from penalties of tobacco control violations.

Legal Authority to be Involved in the Decision on Distribution of Tobacco Settlement Money

The Master Settlement Agreement (MSA) between the 46 states and the major U.S. tobacco companies directs money to the states, but has no detail on how that money should be spent. In most cases, a state legislature has the authority to decide how this money shall be allocated. Educating the state legislature and others who are involved in the decision making process for distribution of tobacco settlement money is a key to protecting the health of local communities.

Important issues include:

- The need for comprehensive programs to prevent and reduce tobacco use in every state.
- Protecting people from secondhand smoke.
- Making tobacco products less accessible to children by such measures as banning vending machines and self-service displays.
- Establishing more effective and visible health warnings on tobacco products.
- Establishing strong Food and Drug Administration authority over tobacco products.
- Helping U.S. tobacco farmers make the transition to other forms of income.

References


Available at: http://tobaccofreekids.org/research/factsheets/pdf/0098.pdf


8. Centers for Disease Control and Prevention, “Cigarette Smoking Among Adults, United States 2007,” MMWR. 57(45); 1221-1226 (Nov 14, 2008).


Enforcement:

► Restrict Vending Machine Sales
The State Legislature has the legal authority to restrict the sale of tobacco products through cigarette vending machines. Every person who sells tobacco products by vending machine must obtain a permit from the Alcoholic Beverage Control Board for each vending machine at each location. Code of Alabama § 28-11-7 (1997). Distribution of tobacco products from vending machines is prohibited unless the machine is located in an area restricted from minors or dispenses tobacco or tobacco products by device activated by a tobacco permit holder. H.B. 391 (2009)

► Ban Free Samples and Single Cigarettes
The State Legislature has the legal authority to ban free tobacco samples and single cigarette sales. Free tobacco samples are not banned to date. Code of Alabama § 13A-12-3 (1975) prohibits the distribution of free tobacco samples to minors. The distribution of single cigarettes and packages containing fewer than 20 cigarettes is prohibited. Code of Alabama § 28-11-6 (1997).

Enforcement:
The Alcoholic Beverage Control Board and federal, state, and local law enforcement agencies have the legal authority to enforce the prohibition of free tobacco samples to minors. Code of Alabama § 28-11-3 (1997).

► Ban Self-Service Displays
Self-service tobacco displays are prohibited unless the display is an allowed vending machine or is located in a tobacco retail store. H.B. 391 (2009).

► Restrict Internet Sales and Distribution
The State Legislature has the legal authority to restrict Internet sales of tobacco. The restrictions on Internet sales are found at Code of Alabama §§ 13A-12-3.1 et seq. (2006). These restrictions include minimum age requirements, age verification requirements, disclosure and notification requirements, and tax collection requirements.

► Levy Taxes
The State Legislature has the legal authority to levy taxes on tobacco products. The Code of Alabama § 40-25-2 (2004) imposes a sales tax and sets the tax rate on tobacco products. Except for any local taxes or license fees levied on or before May 18, 2004, the taxes levied under this section are exclusive and additional local taxes or license fees are prohibited. Code of Alabama § 40-25-2(h) (2004). Code of Alabama § 40-25-41 (1992) imposes an excise tax on any tobacco product on which a sales tax has not been paid. Each retail dealer and wholesale dealer, in addition to the sales tax, must pay a privilege license tax. Code of Alabama §§ 40-12-72 (1940) & 40-12-73 (1940).

Enforcement:
The Department of Revenue shall administer and enforce the tax levies on tobacco products. Code of Alabama § 40-25-26 (1940).

► License Retailers
The Alcohol Beverage Control Board has the legal authority to revoke licensure of tobacco product retailers. Code of Alabama § 28-11-9 (1997).

Under the Family Smoking Prevention and Tobacco Control Act, the Food and Drug Administration has wide-ranging authority to regulate tobacco product marketing and to restrict tobacco advertising and promotion in the interest of public health. H.R. 1256 (2009). The new legislation allows states to restrict the location, color, size, number and placement of cigarette advertisements and leaves unchanged local and state government power to regulate smokeless tobacco or other tobacco products.

The State Legislature has the legal authority to criminalize and has criminalized the possession or purchase of tobacco products by minors. Code of Alabama § 28-11-13 (1997).

The Alcoholic Beverage Control Board has the legal authority to conduct random tobacco compliance checks. Code of Alabama § 28-11-4 (1997).

The Alcohol Beverage Control Board collects the money from penalties for tobacco control violations and deposits it into the State General Fund. Code of Alabama § 28-11-10 (1997).

The State Legislature and the Governor are involved in the decision making process for the distribution of the tobacco settlement money. In 1999 the Legislature passed, and the Governor signed, a law directing all of Alabama's tobacco settlement funds to The Alabama 21st Century Fund to pay the debt service on industrial development bonds for the state. Once the yearly bond payment is made, up to $70 million is transferred into the Children's First Trust Fund. Any remaining funds are distributed to the Alabama Senior Services Trust Fund and the State General Fund for Medicaid purposes. Code of Alabama § 41-10-621 (1999).

FOR MORE INFORMATION
www.legislature.state.al.us
The State Legislature, home rule boroughs, and home rule cities have the legal authority to restrict smoking in public places such as bars, restaurants, workplaces, etc. AK CONST Art. 10, § 11. Restrictions on smoking in public places are found at AK ST §§ 18.35.300 et seq. (2004).

**Enforcement:**
The Commissioner of Environmental Conservation has the legal authority to enforce the restrictions on smoking in public places. AK ST § 18.35.350 (1984).

### Restrict Vending Machine Sales

The State Legislature, home rule boroughs, and home rule cities have the legal authority to restrict tobacco product sales through cigarette vending machines. AK CONST Art. 10, § 11. Restrictions on the sale of tobacco products through cigarette vending machines are found at AK ST §§ 11.76.100 et seq. (2007).

**Enforcement:**
A peace officer or an agent or employee of the Department of Health and Social Services who is authorized by the Commissioner of Health and Social Services may issue a citation for violation of the restrictions on self-service tobacco displays. AK ST § 44.29.092 (2001).

### Restrict Internet Sales and Distribution

The State Legislature, home rule boroughs, and home rule cities have the legal authority to restrict Internet and delivery sales of tobacco products. Restrictions on Internet and delivery sales are found at AK ST § 43.50.105 (2004).

### Levy Taxes

The State Legislature, organized boroughs, and cities have the legal authority to levy taxes on tobacco products. AK CONST Art. 10, § 2. AK ST § 43.50.090 (2004) imposes a tax and sets the tax rate on cigarettes. An additional tax on cigarettes is levied by AK ST § 43.50.190 (2004). AK ST § 43.50.300 (1997) imposes a tax and sets the tax rate on other tobacco products.

**Enforcement:**
The Department of Commerce, Community, and Economic Development has the legal authority to enforce the collection of taxes due. AK ST § 43.50.150 (1980).
License Retailers
The Department of Commerce, Community, and Economic Development has the legal authority to license and revoke licensure of tobacco product retailers. AK STAT §§ 43.50.010 (1980); 43.70.075 (2007).

Revoke Licensure of Retailers
The Department of Commerce, Community, and Economic Development has the legal authority to license and revoke licensure of tobacco product retailers. AK STAT §§ 43.50.010 (1980); 43.70.075 (2007).

Restrict Advertising and Sponsorship
The State Legislature, home rule boroughs, and home rule cities have the legal authority to ban sponsorship of sporting events and concerts by the tobacco industry. AK CONST Art. 10, § 11. There is no statewide ban on tobacco industry sponsorship of sporting events and concerts to date.

Under the Family Smoking Prevention and Tobacco Control Act, the Food and Drug Administration has wide-ranging authority to regulate tobacco product marketing and to restrict tobacco advertising and promotion in the interest of public health. H.R. 1256 (2009). The new legislation allows states to restrict the location, color, size, number and placement of cigarette advertisements and leaves unchanged local and state government power to regulate smokeless tobacco or other tobacco products.

Criminalize the Possession or Purchase by Minors
The State Legislature, home rule boroughs, and home rule cities have the legal authority to criminalize the purchase or possession of tobacco products by minors. AK CONST Art. 10, § 11. A person under 19 years of age may not knowingly possess tobacco products. AK ST § 11.76.105 (1990).

Compliance Checks
The State Department of Health and Social Services has the legal authority to conduct random tobacco compliance checks.

Collection of Fines
No information was found.

Distribution of Settlement Money
The Tobacco Use Education and Cessation Fund was set up to receive 20% of Alaska's MSA payments. These funds are appropriated by the State Legislature to be used for tobacco control purposes. AK ST § 37.05.580 (2001). The remaining 80% of all future MSA payments were sold for an immediate lump sum payment to fund capital construction projects.

FOR MORE INFORMATION
http://touchngo.com/lglcntr/akstats/statutes.htm
 ► Restrict Smoking in Public Places
The State Legislature and any political subdivision of the state have the legal authority to restrict smoking in public places. AZ ST § 36-601.01(M) (2006). The Smoke-Free Arizona Act prohibits smoking in bars, restaurants, and workplaces. AZ ST § 36-601.01 (2006). This law went into effect May 1, 2007, § 36-601.01(M) was effective immediately.

Enforcement:
The Department of Health Services has the authority to enforce restrictions on smoking in public places. AZ ST § 36-601.01(G) (2006).

► Restrict Vending Machine Sales
The State Legislature, counties, cities, and towns have the legal authority to restrict the sale of tobacco through cigarette vending machines. Restrictions on tobacco product sales are found at AZ ST § 36-798.02 (1999).

► Ban Free Samples and Single Cigarettes
The State Legislature has the legal authority to ban free tobacco samples and single cigarette sales. Free tobacco samples to minors are prohibited. AZ ST § 13-3622 (1978). It is unlawful to sell cigarettes in a package that contains fewer than 20 cigarettes except in a facility that is licensed under AZ ST § 4-209 (B) (6) and that only admits people at least 21 years of age. AZ ST § 36-798.04 (2000).

► Ban Self-Service Displays
The State Legislature, counties, or municipalities have the legal authority to ban self-service tobacco displays. There is no statewide ban on self-service tobacco displays to date. The City of Tucson v. Grezaffi, 23 P.3d 675 (2001) allows municipalities to regulate smoking in restaurants and to "safeguard the general health, safety, and welfare of the community has long been considered a proper goal for municipal government" as in limiting access to minors.

► Restrict Internet Sales and Distribution
The State Legislature has the legal authority to restrict the Internet and delivery sales of tobacco products. Restrictions on Internet and delivery sales are found at AZ ST § 36-798.05 (2001) and AZ ST §§ 42-3221 et seq. (2006).

► Levy Taxes

Enforcement:
The Department of Revenue has the legal authority to enforce the laws regarding tobacco taxation. In the administration of these laws, the Department of Revenue, its agents and representatives shall possess the powers, duties, and authority of police officers within this state. AZ ST § 42-3003 (1997).

► License Retailers
The State Legislature and any local municipality or county has the legal authority to license tobacco product retailers. There is no statewide requirement that tobacco product retailers be licensed. The Department of Revenue has the legal authority to license tobacco product distributors. AZ ST § 42-3201 (2006).

► Revoke Licensure of Retailers
The Department of Revenue has the legal authority to revoke licensure of tobacco product distributors. AZ ST § 42-3201 (2006).

► Restrict Advertising and Sponsorship
Under the Family Smoking Prevention and Tobacco Control Act, the Food and Drug Administration has wide-ranging authority to regulate tobacco product marketing and to restrict
tobacco advertising and promotion in the interest of public health. H.R. 1256 (2009). The new legislation allows states to restrict the location, color, size, number and placement of cigarette advertisements and leaves unchanged local and state government power to regulate smokeless tobacco or other tobacco products.

➤ Criminalize the Possession or Purchase by Minors
The State Legislature has the legal authority to criminalize and has criminalized the possession or purchase of tobacco products by minors. AZ ST § 13-3622 (1978).

➤ Compliance Checks
The Tobacco Enforcement Unit of the Attorney General's Office and any law enforcement agency have the legal authority to conduct random tobacco compliance checks.

➤ Collection of Fines
The State Legislature and any local municipality or county have the legal authority to collect money from penalties for tobacco control violations. The City of Tucson v. Grezaffi (2001).

➤ Distribution of Settlement Money
All of the tobacco settlement payments are used to fund the Arizona Health Care Cost Containments System, a health insurance program for the poor. In 2001, legislation was enacted to implement voter-approved Proposition 204 which directed settlement funds to this program. AZ ST §§ 36-2901 et seq. (2007).

FOR MORE INFORMATION
www.azleg.state.az.us/ArizonaRevisedStatutes.asp
AR KANSAS

► Restrict Smoking in Public Places
The State Legislature and local government have the legal authority to restrict smoking in public places such as bars, restaurants, workplaces, etc. AR ST § 20-27-1808 (2006). The Arkansas Clean Indoor Air Act of 2006 is found at AR ST §§ 20-27-1801 et seq. (2006).

Enforcement:
The Department of Health and Human Services and its authorized agents have the legal authority to enforce the restrictions on smoking in public places. AR ST § 20-27-1807 (2006).

► Restrict Vending Machine Sales
The State Legislature and local government have the legal authority to restrict the sale of tobacco products through cigarette vending machines. AR ST § 26-57-259 (1997). The restrictions on the sale of tobacco products through vending machines are found at AR ST § 5-27-227 (2009).

► Ban Free Samples and Single Cigarettes
The State Legislature and local government have the legal authority to ban free tobacco samples and single cigarette sales. AR ST § 26-57-259 (1997). Free tobacco samples to minors are prohibited. AR ST § 5-27-227 (2009). There is no statewide ban on single cigarette sales to date.

Enforcement:
Law enforcement officers have the legal authority to enforce the ban on free tobacco samples to minors.

► Ban Self-Service Displays

► Restrict Internet Sales and Distribution
The State Legislature has the legal authority to restrict Internet and delivery sales of tobacco products but has not done so to date.

► Levy Taxes

Enforcement:
The Director of the Department of Finance and Administration and the Director of Arkansas Tobacco Control are empowered to promulgate rules and regulations for the proper enforcement of his/her powers and duties. AR ST § 26-57-206 (2009). It is the duty of all state, county, and city officers to enforce the provisions regarding the levy of taxes on tobacco products. AR ST § 26-57-205 (1977).

► License Retailers
The Tobacco Control Board and local governments have the authority to license tobacco product retailers. AR ST §§ 26-57-256(2) (2009) & 26-57-259 (1997). Tobacco product retailers are required to be licensed by the Tobacco Control Board. AR ST § 26-57-214 (2009).

► Revoke Licensure of Retailers
The Tobacco Control Board and the Director of Arkansas Tobacco Control have the legal authority to revoke licensure of tobacco product retailers. AR ST §§ 26-57-256(2) (2009) & 26-57-223 (2009).
► **Restrict Advertising and Sponsorship**
Under the Family Smoking Prevention and Tobacco Control Act, the Food and Drug Administration has wide-ranging authority to regulate tobacco product marketing and to restrict tobacco advertising and promotion in the interest of public health. H.R. 1256 (2009). The new legislation allows states to restrict the location, color, size, number and placement of cigarette advertisements and leaves unchanged local and state government power to regulate smokeless tobacco or other tobacco products.

► **Criminalize the Possession or Purchase by Minors**
The State Legislature has the legal authority to criminalize and has criminalized the possession or purchase of tobacco products by minors. AR ST § 5-27-227 (2009).

► **Compliance Checks**
Random tobacco compliance checks may be performed by an officer having enforcement authority, an employee of the Tobacco Control Board or a prosecuting attorney, an authorized representative of a business acting pursuant to a self-compliance program, an employee or authorized representative of the Department of Health, or an employee or authorized agent of a governmental agency with enforcement authority. AR ST § 5-27-227 (2009).

► **Collection of Fines**
The State Legislature controls and distributes the money from penalties for tobacco control violations.

► **Distribution of Settlement Money**
The State Legislature is involved in the decision-making process for the distribution of the tobacco settlement money. The first $100 million Arkansas received was placed in the Arkansas Health Century Trust Fund. All other settlement funds go into the Tobacco Settlement Fund to be used for tobacco prevention and cessation programs, the Medicaid program, for bio-sciences research, and for state health needs.

**FOR MORE INFORMATION**
www.arkleg.state.ar.us/data/ar_code.asp
The State Legislature has the legal authority to ban smoking in enclosed places of employment. CA LABOR CODE § 6404.5 (2007). Any area not defined as a place of employment or in which the smoking of tobacco products is not regulated pursuant to this section is subject to local regulation. CA LABOR CODE § 6404.5(a) (2007). Local governments will no longer be preempted if this section is repealed or modified so that the 100% smoking prohibition is no longer applicable. CA LABOR CODE § 6404.5(i) (2007).

Smoking is prohibited in state-owned buildings. The State Legislature, county, city, and state colleges and universities have the legal authority to restrict smoking inside public buildings. CA GOVT. CODE § 7597 (2003).

Enforcement:
Local law enforcement agencies, including local health departments, have the legal authority to enforce restrictions on smoking in enclosed places of employment. CA LABOR CODE § 6404.5(j) (2007).

Restrict Vending Machine Sales
The sale of tobacco products through vending machines is restricted by CA BUS. & PROF. CODE § 22960 (1995). The State Legislature and local governments have the legal authority to restrict the sale of tobacco products through vending machines. CA BUS. & PROF. CODE § 22960(e) (1995). A tobacco product vending machine must be located 15 feet away from the entrance of an establishment that has been issued an on-sale public premises license issued by the Department of Alcoholic Beverage Control. CA BUS. & PROF. CODE § 22960(b)(1) (1995).

Enforcement:
The State Department of Health Services has the legal authority to enforce the restrictions on tobacco product sales through vending machines. CA BUS. & PROF. CODE § 22952(c) (2007).

Ban Free Samples and Single Cigarettes
The State Legislature and local government have the legal authority to ban free tobacco samples. In California, free samples of smokeless tobacco and cigarettes are prohibited in any public building; park or playground; on any public sidewalk, street, or other public grounds; and on any private property that is open to the general public. CA HEALTH & SAFETY CODE § 118950 (b) (2007). Local ordinances may be more restrictive than state law. CA HEALTH & SAFETY CODE § 118950 (e) (2007).

The State Legislature has the legal authority to ban and has banned the sale of single cigarettes. In California, no cigarettes may be sold in packages of fewer than 20. CA PENAL CODE § 308.3 (2001).

Ban Self-Service Displays
The State Legislature and local governments have the legal authority to ban self-service tobacco displays. CA BUS. & PROF. CODE § 22962(e) (2006). With the exception of self-service displays in tobacco stores, self-service displays of tobacco products are prohibited. CA BUS. & PROF. CODE § 22962(b) & (c) (2006).

Enforcement:
The Attorney General, city attorneys, county counsel, and district attorneys have the legal authority to bring a civil action to enforce the ban on self-service tobacco displays. CA BUS. & PROF. CODE § 22962(d) (2006).

Restrict Internet Sales and Distribution
The State Legislature has the legal authority to restrict Internet sales. Restrictions on Internet sales are found at CA BUS. & PROF. CODE § 22963 (2007). These requirements include minimum age requirements, age verification requirements, and minimum purchase requirements. CA BUS. & PROF. CODE § 22963 (2007).
Levy Taxes
The State Legislature has the legal authority to levy taxes on tobacco products. CA REV. & TAX CODE § 30101 (1994) imposes a tax and sets the tax rate on cigarettes. CA REV. & TAX CODE § 30123 (2001) imposes a surtax on cigarettes and other tobacco products. CA REV. & TAX CODE § 30131.2 (2001) imposes an additional surtax on cigarettes and other tobacco products.

Enforcement:
The State Board of Equalization has the legal authority to enforce tax levies on tobacco products. CA REV. & TAX CODE § 30451 (1959).

License Retailers
The State Legislature and local governments have the legal authority to license tobacco product retailers. CA BUS. & PROF. CODE § 22971.3 (2003). The Cigarette and Tobacco Products Licensing Act of 2003 will remain in effect until January 1, 2010 and then shall be repealed. CA BUS. & PROF. CODE § 22995 (2007).

Enforcement:
The State Board of Equalization has the legal authority to enforce state licensing requirements. CA BUS. & PROF. § 22971.2 (2006).

Revoke Licensure of Retailers
The State Board of Equalization has the legal authority to revoke licensure of tobacco product retailers. CA BUS. & PROF. CODE § 22974.4 (2006).

Restrict Advertising and Sponsorship
The State Legislature and local government have the legal authority to restrict the advertising of other tobacco products. CA BUS. & PROF. CODE § 22961 (1997). This section prohibits the advertisement of tobacco products on outdoor billboards located within 1,000 feet of a public or private school or public playground. To the extent that this statute applies to cigarettes, it is preempted by federal law. Tobacco product advertising is prohibited in any state-owned or occupied building. CA GOVT. CODE § 19994.35 (1993). Tobacco product advertising in video games intended primarily for use by any person under the age of 18 is prohibited. CA PENAL CODE § 308.5 (1990).

Under the Family Smoking Prevention and Tobacco Control Act, the Food and Drug Administration has wide-ranging authority to regulate tobacco product marketing and to restrict tobacco advertising and promotion in the interest of public health. H.R. 1256 (2009). The new legislation allows states to restrict the location, color, size, number and placement of cigarette advertisements and leaves unchanged local and state government power to regulate smokeless tobacco or other tobacco products.

Criminalize the Possession or Purchase by Minors
The State Legislature has the legal authority to restrict and has restricted the possession or purchase of tobacco products by minors. CA PENAL CODE § 308 (2006).

Enforcement:
Local law enforcement has the legal authority to enforce the criminal purchase of tobacco products by minors. CA PENAL CODE § 830.1 (2008). City attorneys, county counsel, or district attorneys are authorized to bring a civil action to enforce the law. CA PENAL CODE § 308(a) (2006).

Compliance Checks
The State Department of Health Services and local enforcement agencies under contract with the State Department of Health have the authority to conduct random tobacco compliance checks. CA BUS. & PROF. CODE § 22952 (2007).

Collection of Fines
All civil penalties are deposited in the State Treasury to the credit of the Sale of Tobacco to Minors Control Account. CA BUS. & PROF. CODE § 22953 (2007).
Distribution of Tobacco Settlement Money

The State Legislature is involved in the decision-making process for the distribution of the tobacco settlement money. The Attorney General has the legal authority to enforce the provisions of the Master Settlement Agreement. CA GOV. CODE § 63049.4(a) (2009).

FOR MORE INFORMATION
www.leginfo.ca.gov/statute.html
 ► Restrict Smoking in Public Places
The State Legislature, counties, cities, and towns have the legal authority to restrict smoking in public places such as bars, restaurants, workplaces, etc. C.R.S. § 25-14-207 (2006). The Colorado Clean Indoor Air Act is found at C.R.S. §§ 25-14-201 et seq. (2007).

Enforcement:
The municipal courts, or their equivalent in any county, city, or town, have jurisdiction over violations of smoking regulations enacted by any county, city, or town. C.R.S. § 25-14-207 (2006).

 ► Restrict Vending Machine Sales
The State Legislature has the legal authority to restrict the sale of tobacco through cigarette vending machines. Restrictions on the sale of tobacco products through cigarette vending machines are found at C.R.S. § 24-35-503 (2001). The restrictions on the sale of tobacco products through vending machines are repealed, effective July 1, 2011. C.R.S. § 24-35-508 (2001).

Enforcement:
The Division of Liquor Enforcement within the Department of Revenue has the legal authority to enforce the restrictions on tobacco product sales through vending machines. C.R.S. § 24-35-504 (2001).

 ► Ban Free Samples and Single Cigarettes
The State Legislature, and statutory or home-rule municipalities have the legal authority to ban free tobacco samples. C.R.S. § 18-13-121(3) (2001). Free tobacco samples to minors are prohibited. C.R.S. § 18-13-121(1) (2001). The State Legislature has the legal authority to ban and has banned the sale of single cigarettes. C.R.S. § 24-35-503 (2001). The ban on single cigarette sales is repealed, effective July 1, 2011. C.R.S. § 24-35-508 (2001).

 ► Ban Self-Service Displays
The State Legislature has the legal authority to ban self-service tobacco displays but has not done so to date.

 ► Restrict Internet Sales and Distribution
The State Legislature has the legal authority to restrict Internet and delivery sales of tobacco products but has not done so to date.

 ► Levy Taxes

 ► License Retailers
The Department of Revenue has the legal authority to license wholesalers of cigarettes and distributors of other tobacco products. C.R.S. §§ 39-28-102 (2008) & 39-28.5-104 (2008). Retailers are not required to be licensed to date.

 ► Revoke Licensure of Retailers

 ► Restrict Advertising and Sponsorship
Under the Family Smoking Prevention and Tobacco Control Act, the Food and Drug Administration has wide-ranging authority to regulate tobacco product marketing and to restrict tobacco advertising and promotion in the interest of public health. H.R. 1256 (2009). The new legislation allows states to restrict the location, color, size, number and placement of cigarette advertisements and leaves unchanged local and
state government power to regulate smokeless tobacco or other tobacco products.

► Criminalize the Possession or Purchase by Minors
The State Legislature and statutory or home-rule municipalities have the legal authority to criminalize the possession or purchase of tobacco products by minors. C.R.S. § 18-13-121(3) (2008). It is a class 2 petty offense for a minor to purchase tobacco products. C.R.S. § 18-13-121(2)(a) (2008).

► Compliance Checks
The Division of Liquor Enforcement within the Department of Revenue has the legal authority to conduct random tobacco compliance checks. C.R.S. § 24-35-504 (2001). The authority to conduct tobacco compliance checks is repealed, effective July 1, 2011. C.R.S. § 24-35-508 (2001).

► Collection of Fines
The fines collected for tobacco control violations are forwarded to the state treasurer for credit to the Tobacco Use Prevention Fund. C.R.S. § 24-35-505 (1998).

► Distribution of Settlement Money
The State Legislature is involved in the decision making process for the distribution of the tobacco settlement money.

FOR MORE INFORMATION
http://www.state.co.us/gov_dir/leg_dir/olls/colorado_revised_statutes.htm
Connecticut

► Restrict Smoking in Public Places
The State Legislature has the legal authority to restrict smoking in public places such as bars, restaurants, etc. The State of Connecticut has a preemptive smoke-free indoor air law. CGSA § 19a-342(g) (2004). Restrictions on smoking in public places are found at CGSA § 19a-342 (2004). Restrictions on smoking in private workplaces are found at CGSA § 31-40q (2004).

Enforcement:
Local law enforcement enforces the restrictions on smoking in bars and restaurants. The Labor Commissioner has the legal authority to enforce restrictions on smoking in private workplaces. CGSA § 31-50 (1949).

► Restrict Vending Machine Sales
The State Legislature, towns, and municipalities have the legal authority to restrict the sale of tobacco through cigarette vending machines. CGSA § 12-289a(h) (1996). Restrictions on the sale of tobacco products from cigarette vending machines are found at CGSA § 12-289 (1992).

Enforcement:
The Commissioner of Revenue Services enforces the restrictions on tobacco product sales through vending machines. CGSA § 12-289 (1992).

► Ban Free Samples and Single Cigarettes
The State Legislature has the legal authority to ban free tobacco samples and single cigarette sales. Free tobacco samples to minors are prohibited. CGSA § 53-344(b) (2008). Other restrictions on free tobacco samples are found at CGSA § 12-314a (1996). Single cigarette sales are banned.

Enforcement:

► Ban Self-Service Displays
The State Legislature has the legal authority to ban self-service tobacco displays but has not done so to date.

► Restrict Internet Sales and Distribution
The State Legislature has the legal authority to restrict Internet and delivery sales of tobacco products. Restrictions on the delivery and sales of cigarettes are found at CGSA § 12-285c (2005).

Enforcement:
The Commissioner of Revenue Services and the Attorney General have the legal authority to enforce the restrictions on Internet and delivery sales. CGSA § 12-285c (2005).

► Levy Taxes
The State Legislature has the legal authority to levy taxes on tobacco products. CGSA § 12-296 (2007) imposes a tax and sets the tax rate on cigarettes. CGSA § 12-330c (2006) imposes a tax and sets the tax rate on other tobacco products.

Enforcement:

► License Retailers

► Revoke Licensure of Retailers
The Commissioner of Revenue Services has the legal authority to revoke licensure of tobacco product retailers. CGSA § 12-295 (2007).
Under the Family Smoking Prevention and Tobacco Control Act, the Food and Drug Administration has wide-ranging authority to regulate tobacco product marketing and to restrict tobacco advertising and promotion in the interest of public health. H.R. 1256 (2009). The new legislation allows states to restrict the location, color, size, number and placement of cigarette advertisements and leaves unchanged local and state government power to regulate smokeless tobacco or other tobacco products.

The State Legislature has the legal authority to criminalize the possession or purchase of tobacco products by minors. The purchase of tobacco by a minor under the age of 18 is a criminal offense. CGSA § 53-344 (2008). A purchase of tobacco by a minor is also subject to a civil penalty of not more than $50.00 for a first offense and not more than $100.00 for a subsequent offense. CGSA § 53-344(c) (2008). The possession of tobacco by a minor is not a criminal offense.

The Commissioner of Revenue has the legal authority to conduct random tobacco compliance checks. CGSA § 12-315a (1998).

The State Legislature has the legal authority to control and distribute the money collected for tobacco control violations.

The State Legislature and the Governor are involved in the decision making process for the distribution of the tobacco settlement money. Connecticut’s tobacco settlement payments are folded into the general fund and allocated through the budget process.
The State Legislature, municipalities, and counties have the legal authority to restrict smoking in public places such as bars, restaurants, workplaces, etc. 16 Del.C. § 2908, which preempted municipal and county ordinances, was repealed effective November 27, 2002. Delaware's Clean Indoor Air Act is found at 16 Del.C. §§ 2901 et seq. (2002).

Enforcement:
The Department of Labor provides enforcement on smoking restrictions for employers, employees, places of employment, and the workplace. The Department of Health and Social Services provides enforcement in all other areas. 16 Del.C. § 2906 (2002).

► Restrict Vending Machine Sales
The State Legislature has the legal authority to restrict the sale of tobacco products through vending machines. Any municipal or county ordinance or regulation relating to the sale or distribution of tobacco products to minors enacted after June 30, 1996 is preempted. 11 Del.C. § 1127 (1995). Restrictions on tobacco product sales through vending machines are found at 11 Del.C. § 1119 (2000).

Enforcement:
The Department of Safety and Homeland Security has the legal authority to enforce restrictions on vending machine sales. 11 Del.C. § 1125 (2003).

► Ban Free Samples and Single Cigarettes
The State Legislature has the legal authority to ban free tobacco samples and single cigarette sales. Any municipal or county ordinance or regulation relating to the sale or distribution of tobacco products to minors enacted after June 30, 1996 is preempted. 11 Del.C. § 1127 (1995). Free tobacco samples to minors are prohibited. 11 Del.C. § 1118 (1995). No cigarettes may be sold except in a sealed package provided by the manufacturer containing at least 20 cigarettes. 11 Del.C. § 1120 (2000).

Enforcement:
The Department of Safety and Homeland Security has the legal authority to enforce the bans on free tobacco samples to minors and single cigarette sales. 11 Del.C. § 1125 (2003).

► Ban Self-Service Displays
The State Legislature has the legal authority to ban self-service tobacco displays. Any municipal or county ordinance or regulation relating to the sale or distribution of tobacco products to minors enacted after June 30, 1996 is preempted. 11 Del.C. § 1127 (1995). It is unlawful to maintain tobacco products in any display accessible to a customer that is not within the line of sight of an employee or under the control of an employee except in tobacco stores or any business establishment to which persons under the age of 18 are not permitted without an adult. 11 Del.C. § 1119 (2000).

Enforcement:
The Department of Safety and Homeland Security has the legal authority to enforce restrictions on self-service tobacco displays. 11 Del.C. § 1125 (2003).

► Restrict Internet Sales and Distribution
The State Legislature has the legal authority to restrict Internet and delivery sales of tobacco products. Restrictions on Internet and delivery sales of tobacco products are found at 30 Del.C. § 5362 (2003).

Enforcement:
The Attorney General or his/her designee, or any person who holds a valid permit under 26 U.S.C. § 5712 has the legal authority to enforce the restrictions on Internet and delivery sales. 30 Del.C. § 5369 (2003).

► Levy Taxes
The State Legislature has the legal authority to levy taxes on tobacco products. 30 Del.C. §
5305(a) (2009) imposes a tax and sets the tax rate on cigarettes and 30 Del.C. § 5305(b&c) (2009) imposes and sets the tax rate on other tobacco products.

**Enforcement:**
The Department of Finance and the Secretary of Finance of the State have the legal authority to enforce tax levies on tobacco products. 30 Del.C. § 5329 (1970).

► **License Retailers**
The Department of Finance has the legal authority to license tobacco product retailers. 30 Del.C. § 5310 (1964).

**Enforcement:**
The Department of Finance and the Secretary of Finance of the State have the legal authority to enforce the licensing requirements for tobacco product retailers. 30 Del.C. § 5329 (1970).

► **Revoke Licensure of Retailers**
The Department of Finance has the legal authority to revoke licensure of tobacco product retailers. 30 Del.C. § 5313 (1995).

► **Restrict Advertising and Sponsorship**
The State Legislature has the legal authority to restrict the advertising of other tobacco products. Restrictions on the advertising of tobacco products are found at 6 Del.C. § 2507 (2000).

Under the Family Smoking Prevention and Tobacco Control Act, the Food and Drug Administration has wide-ranging authority to regulate tobacco product marketing and to restrict tobacco advertising and promotion in the interest of public health. H.R. 1256 (2009). The new legislation allows states to restrict the location, color, size, number and placement of cigarette advertisements and leaves unchanged local and state government power to regulate smokeless tobacco or other tobacco products.

► **Criminalize the Possession or Purchase by Minors**
The State Legislature has the legal authority to criminalize the possession or purchase of tobacco products by minors. Any municipal or county ordinance or regulation relating to the sale or distribution of tobacco products to minors enacted after June 30, 1996 is preempted. 11 Del.C. § 1127 (1995). It is unlawful for any person under the age of 18 to purchase or accept a sample of a tobacco product. 11 Del.C. § 1124 (1995).

**Enforcement:**
The Department of Safety and Homeland Security has the legal authority to enforce the law relating to the purchase of tobacco products by minors. 11 Del.C. § 1125 (2003).

► **Compliance Checks**
The Department of Safety and Homeland Security has the legal authority to conduct random tobacco compliance checks. 11 Del.C. § 1125 (2003).

► **Collection of Fines**
The State Legislature collects the money from penalties for tobacco control violations.

► **Distribution of Settlement Money**
The MSA payments are placed in the Delaware Health Fund. The State Legislature allocates the money within the fund through its annual budget process. 16 Del.C. § 137 (1999).

**FOR MORE INFORMATION**
www.delcode.delaware.gov/index.shtml
► Restrict Smoking in Public Places
The Council of the District of Columbia has the legal authority to restrict smoking in public places such as bars, restaurants, workplaces, etc. Restrictions on tobacco smoking are found in the Department of Health Functions Clarification Amendment Act of 2006. DC ST §§ 7-741, Part B, 4915 to 4921 (2006).

Enforcement:
The Department of Public Health is authorized to conduct inspections of all places of employment and public places to ensure that smoking is not taking place. DC ST § 7-741, Part B, 4916 (2006).

► Restrict Vending Machine Sales
The Council of the District of Columbia has the legal authority to restrict the sale of tobacco products through cigarette vending machines. The Mayor may issue regulations necessary to carry out the restrictions on the sale of tobacco products through vending machines. DC ST § 47-2415 (1997). Licensing requirements and other restrictions on tobacco product sales through vending machines are found at DC ST § 47-2404 (2003).

► Ban Free Samples and Single Cigarettes
The Council of the District of Columbia has the legal authority to ban free tobacco samples and single cigarette sales. Free tobacco samples are banned except at a tobacco store, a convention, or a conference catering to adults. DC ST § 7-1731 (1991). Free tobacco samples to minors are prohibited. DC ST § 22-1320 (1991). Cigarettes may not be sold in numbers fewer than the number contained in the original package, and the sale of loose cigarettes from an opened or original package is prohibited. D.C. Mun. Regs., tit. 9, § 1016.

► Ban Self-Service Displays
The Council of the District of Columbia has the legal authority to ban self-service tobacco displays but has not done so to date.

► Restrict Internet Sales and Distribution
The Council of the District of Columbia has the legal authority to restrict the Internet and delivery sales of tobacco products but has not done so to date.

► Levy Taxes
The Council of the District of Columbia has the legal authority to levy taxes on tobacco products. DC ST § 47-2402 (2008) imposes a tax and sets the tax rate on cigarettes. DC ST § 47-2002 (2006) imposes a tax and sets the tax rate on other tobacco products.

► License Retailers
The Mayor and the Director of the Department of Consumer and Regulatory Affairs have the legal authority to license tobacco product retailers. DC ST § 47-2404 (2003) and D.C. Mun. Regs., tit. 9, § 1010.

► Revoke Licensure of Retailers
The Mayor has the legal authority to revoke licensure of tobacco product retailers. DC ST § 47-2404 (2003).

► Restrict Advertising and Sponsorship
The Council of the District of Columbia has the legal authority to restrict the advertising of other tobacco products. Tobacco advertising is prohibited on all system rail cars and buses of the Washington Metro Transit Authority.

Under the Family Smoking Prevention and Tobacco Control Act, the Food and Drug Administration has wide-ranging authority to regulate tobacco product marketing and to restrict tobacco advertising and promotion in the interest of public health. H.R. 1256 (2009). The new
legislation allows states to restrict the location, color, size, number and placement of cigarette advertisements and leaves unchanged local and state government power to regulate smokeless tobacco or other tobacco products.

► **Criminalize the Possession or Purchase of Tobacco Products by Minors**
The Council of the District of Columbia has the legal authority to criminalize the possession or purchase of tobacco products by minors but has not done so to date.

► **Compliance Checks**
The Office of Prevention and Youth Service within the DC Department of Health has the legal authority to conduct random tobacco compliance checks.

► **Collection of Fines**
The Council of the District of Columbia controls and distributes the money collected from penalties for tobacco control violations.

► **Distribution of Tobacco Settlement Money**
The Council of the District of Columbia and the Mayor are involved in the decision making process for the distribution of the tobacco settlement money.

FOR MORE INFORMATION
http://government.westlaw.com/linkedslice/default.asp?SP=DCC-1000
FLORIDA

► Restrict Smoking in Public Places
The State Legislature has the legal authority to restrict smoking in public places such as bars, restaurants, workplaces, etc. Regulation of smoking is expressly preempted to the state of Florida and supersedes any municipal or county ordinance. FL ST § 386.209 (2003). The Florida Clean Indoor Air Act is found at FL ST §§ 386.201 et seq. (2003).

Enforcement:
The Department of Health, the Division of Hotels and Restaurants, or the Division of Alcoholic Beverages and Tobacco of the Department of Business and Professional Regulation have the legal authority to enforce the restrictions on smoking in public places. FL ST § 386.207 (2003).

► Restrict Vending Machine Sales
The State Legislature has the legal authority to restrict the sale of tobacco products through cigarette vending machines. Restrictions on tobacco product sales through vending machines are found at FL ST § 569.007 (1997).

Enforcement:
The Division of Alcoholic Beverages and Tobacco of the Department of Business and Professional Regulations has the legal authority to enforce the restricted sale of tobacco products through vending machines. A county or municipality may designate certain employees or agents as tobacco product enforcement officers. FL ST § 569.12 (1997).

► Ban Free Samples and Single Cigarettes
The State Legislature has the legal authority to ban free tobacco samples and single cigarette sales. Free tobacco samples to minors are prohibited. FL ST § 569.0075 (1997). It is unlawful to sell any cigarettes the package of which does not comply with all requirements imposed by federal law. FL ST § 210.185 (2000).

Enforcement:
The Division of Alcoholic Beverages and Tobacco of the Department of Business and Professional Regulation and any law enforcement officer certified under FL ST § 943.10(1), (6), or (8) (2007) have the legal authority to enforce the restrictions on free tobacco samples. FL ST § 569.12 (1997). The Division of Alcoholic Beverages and Tobacco of the Department of Business and Professional Regulation and, at the request of the division, any law enforcement officer have the legal authority to enforce the restrictions on single cigarette sales. FL ST § 210.185 (2000).

► Ban Self-Service Displays
The State Legislature has the legal authority to ban self-service tobacco displays. Restrictions on self-service tobacco displays are found at FL ST § 569.007 (1997).

Enforcement:
The Division of Alcoholic Beverages and Tobacco of the Department of Business and Professional Regulations has the legal authority to enforce the restrictions on self-service tobacco displays. A county or municipality may designate certain employees or agents as tobacco product enforcement officers. FL ST § 569.12 (1997).

► Restrict Internet Sales and Distribution
The State Legislature has the legal authority to restrict Internet and delivery sales of tobacco products. The delivery of tobacco products other than cigars and pipe tobacco are prohibited. FL ST § 569.007 (1997).

► Levy Taxes
The State Legislature has the legal authority to levy taxes on tobacco products. No municipality shall levy or collect any excise tax on cigarettes. FL ST § 210.03 (1972). FL ST § 210.02 (2009) imposes a tax and sets the tax rate on cigarettes. FL ST § 210.30 (2009) imposes a tax and sets the tax rate on other tobacco products.
**Enforcement:**
The Division of Alcoholic Beverages and Tobacco of the Department of Business and Professional Regulation has the legal authority to enforce tax levies on tobacco products. FL ST § 210.75 (1998).

► **License Retailers**
The Division of Alcoholic Beverages and Tobacco of the Department of Business and Professional Regulation has the legal authority to issue tobacco product dealer permits to retailers. FL ST § 569.003 (1997).

**Enforcement:**
The Division of Alcoholic Beverages and Tobacco of the Department of Business and Professional Regulation and any law enforcement officer certified under FL ST § 943.10(1), (6), or (8) (2007) have the legal authority to enforce the licensing requirements of tobacco product retailers. FL ST § 569.12 (1997).

► **Revoke Licensure of Retailers**
The Division of Alcoholic Beverages and Tobacco of the Department of Business and Professional Regulation has the legal authority to revoke licensure of tobacco product retailers. FL ST § 569.006 (1997).

► **Restrict Advertising and Sponsorship**
Under the Family Smoking Prevention and Tobacco Control Act, the Food and Drug Administration has wide-ranging authority to regulate tobacco product marketing and to restrict tobacco advertising and promotion in the interest of public health. H.R. 1256 (2009). The new legislation allows states to restrict the location, color, size, number and placement of cigarette advertisements and leaves unchanged local and state government power to regulate smokeless tobacco or other tobacco products.

► **Criminalize the Possession or Purchase by Minors**
The State Legislature has the legal authority to criminalize the possession or purchase of tobacco products by minors. It is a non-criminal violation for a person under 18 years of age to possess or purchase tobacco products. FL ST § 569.11 (2001).

**Enforcement:**
The Division of Alcoholic Beverages and Tobacco of the Department of Business and Professional Regulation and any law enforcement officer certified under FL ST § 943.10(1), (6), or (8) (2007) have the legal authority to enforce the prohibition on the possession or purchase of tobacco products by minors.

► **Compliance Checks**
The Division of Alcoholic Beverages and Tobacco of the Department of Business and Professional Regulation has the legal authority to conduct random tobacco compliance checks.

► **Collection of Fines**
The fines against retailers for tobacco control violations are deposited in the State's General Revenue Fund. FL ST § 569.006 (1997). The penalties collected from minors purchasing or possessing tobacco products are divided 80% to the Department of Education for teacher education, research, and evaluation to reduce and prevent the use of tobacco products by children and 20% to the Clerk of the county court to cover administrative costs. FL ST § 569.11 (2001).

► **Distribution of Tobacco Settlement Money**
Florida settled with the tobacco industry prior to and separate from the multi-state settlement agreement. In Florida, the State Legislature has asserted its rights to appropriate any funds paid or payable to the state from the tobacco settlement fund. FL ST § 569.21 (1998).

**FOR MORE INFORMATION**
www.leg.state.fl.us/statutes/
Georgia

- **Restrict Smoking in Public Places**
The Georgia Smoke-free Air Act is found at GA. CODE ANN. §§ 31-12A-1 et seq. (2005). The State Legislature, local boards of health, city commissions, and the county commissions have the legal authority to restrict smoking in public places such as bars, restaurants, workplaces, etc. GA. CODE ANN. § 16-12-2(b) (2005), GA. CODE ANN. § 31-12A-12 (2005) and GA. CODE ANN. § 31-3-4 (1993).

**Enforcement:**
The Georgia Department of Community Health and County Boards of Health and their duly authorized agents have the legal authority to enforce smoking restrictions in public places. GA. CODE ANN. § 31-12A-10 (2009).

- **Restrict Vending Machine Sales**
Tobacco product sales through vending machines are restricted by GA. CODE ANN. § 16-12-173 (2007). State Legislature, local boards of health, city commissions, and county commissions have the legal authority to restrict the sale of tobacco products through cigarette vending machines. GA. CODE ANN. § 16-12-2(b) (2005).

**Enforcement:**
The State Revenue Commissioner has the legal authority to enforce the restrictions on tobacco product sales from vending machines. GA. CODE ANN. § 16-12-175 (2000). The State Revenue Commissioner may delegate employees of the Department of Revenue to enforce these restrictions. GA. CODE ANN. § 16-12-176 (2000).

- **Ban Free Samples and Single Cigarettes**
Free tobacco samples and single cigarette sales are not banned to date. The State Legislature has the authority to ban free tobacco samples and single cigarette sales. GA. CODE ANN. § 16-12-174 (1993) prohibits the distribution of tobacco product samples to minors.

**Enforcement:**
The State Revenue Commissioner has the legal authority to enforce the prohibition of free tobacco samples to minors. GA. CODE ANN. § 16-12-175 (2000).

- **Ban Self-Service Displays**
Self-service tobacco displays have not been banned to date. The State Legislature has the legal authority to ban self-service tobacco displays.

- **Restrict Internet Sales and Distribution**
No restrictions on Internet sales were found.

- **Levy Taxes on Tobacco Products**
The State Legislature has the authority to levy taxes on tobacco products. GA. CODE ANN. § 48-11-2 (2003) imposes an excise tax and sets the tax rate on tobacco products.

**Enforcement:**
The State Revenue Commissioner has the legal authority to enforce tax levies on tobacco products. GA. CODE ANN. § 48-2-7 (2005).

- **License Retailers**
The State Revenue Commissioner has the legal authority to license tobacco product retailers. GA. CODE ANN. § 48-11-4 (2005).

**Enforcement:**
The State Revenue Commissioner has the legal authority to enforce the licensing regulations of tobacco product retailers. GA. CODE ANN. § 48-11-4 (2005).

- **Revoke Licensure of Retailers**
The State Revenue Commissioner has the legal authority to revoke licensure of tobacco product retailers. GA. CODE ANN. § 48-11-6 (1978).

**Enforcement:**
The State Revenue Commissioner has the legal authority to enforce the licensing regulations of

► **Restrict Advertising and Sponsorship**
Under the Family Smoking Prevention and Tobacco Control Act, the Food and Drug Administration has wide-ranging authority to regulate tobacco product marketing and to restrict tobacco advertising and promotion in the interest of public health. H.R. 1256 (2009). The new legislation allows states to restrict the location, color, size, number and placement of cigarette advertisements and leaves unchanged local and state government power to regulate smokeless tobacco or other tobacco products.

► **Criminalize the Possession or Purchase by Minors**
The State Legislature has the authority to and has criminalized the possession or purchase of tobacco products by minors. GA. CODE ANN. § 16-12-171 (2007).

**Enforcement:**
The State Revenue Commissioner and county law enforcement have the legal authority to enforce the criminalization of minors for possession or purchase of tobacco products. GA. CODE ANN. § 16-12-175(a) (2000).

► **Compliance Checks**
The State Revenue Commissioner, acting through special agents or enforcement officers, has the legal authority to conduct random tobacco compliance checks. The State Revenue Commissioner has the authority to enforce compliance checks. GA. CODE ANN. § 16-12-175(b) (2000).

► **Collection of Fines**
Any fine collected for tobacco control violations is paid to the clerk of the court of the jurisdiction in which the violation occurred. Upon receipt, the clerk must promptly notify the state revenue commissioner. GA. CODE ANN. § 16-12-175(a) (2000).

► **Distribution of Settlement Money**
The State Legislature is involved in the decision-making process for the distribution of the tobacco settlement money. The Attorney General's office is responsible for enforcing the tobacco industry's compliance with the agreement and the governing of escrow deposits. The money is deposited each year into the state treasury and allocated by the General Assembly. GA. CODE ANN. §§ 10-13A-1 et seq. (2003) addresses the enforcement of the Master Settlement Agreement.

**FOR MORE INFORMATION**
www.legis.state.ga.us
Restrict Smoking in Public Places
The State Legislature and counties have the legal authority to restrict smoking in public places and the workplace. Restrictions on tobacco smoking are found at HI ST §§ 328J et seq. (2006).

Enforcement:
The Department of Health has the legal authority to enforce compliance with smoking restrictions in public places and in the workplace. HI ST § 328J-11 (2006).

Restrict Vending Machine Sales
The State Legislature has the legal authority to restrict the sale of tobacco products through vending machines. All tobacco products sales through vending machines are restricted by HI ST § 328J-16 (2006). Placement of cigarette vending machines is restricted to locations such as bars, cabarets, or any establishment where the minimum age for admission is 18.

Ban Free Samples and Single Cigarettes
Free tobacco samples are not banned to date. The State Legislature has the legal authority to ban free tobacco samples. Distribution of sample tobacco products is restricted by HI ST § 328J-17 (2006) prohibits the distribution of sample cigarettes or tobacco products, or coupons redeemable for cigarettes or tobacco products, on any public street, sidewalk, or park, or within 1,000 feet of schools. In Hawaii, sales of single cigarettes and packs of cigarettes containing fewer than 20 cigarettes are banned. HI ST § 712-1257 (2000).

Enforcement:
The state and local police have the authority to enforce bans on single cigarette sales.

Ban Self-Service Displays
Self-service tobacco displays have not been banned to date. The state legislature has the legal authority to ban self-service tobacco displays.

Restrict Internet Sales and Distribution
Internet sales of tobacco products are restricted by HI ST § 245-1, et seq. (2004). It is unlawful to ship cigarettes to a person or entity that is not licensed under HI ST § 245-1, et seq. (2004), an export warehouse proprietor, or an operator of a customs bonded warehouse. Cigarettes must be shipped in the cigarette manufacturer's original container or wrapping and be visibly marked with the word "cigarette." These restrictions do not apply if the cigarettes are exempt from taxes, all applicable Hawaii taxes are paid, or the person or entity has fully complied with the Jenkins Act found at 15 U.S.C.A. § 375 et al. (1955) and includes clearly visible specified notice on the outside of the shipping container. Such notice shall state Hawaii law prohibits the sale of cigarettes to individuals less than 18 years of age and requires payment of all applicable taxes. Violation is a misdemeanor if less than 1,000 cigarettes are shipped illegally and a Class C felony if 1,000 or more cigarettes are shipped illegally. HI ST § 245-16 (2004). The restrictions contained in HI ST § 245-16 (2004) apply only to cigarettes, not other tobacco products.

Levy Taxes
The State Legislature has the legal authority to levy taxes on tobacco products. HI ST § 245-3 (2009) imposes an excise tax and sets the tax rate on tobacco products.

Enforcement:
The Director of Taxation has the authority to enforce tax levies on tobacco products. HI ST § 245-13 (1965).

License Retailers
The State Legislature has the authority to license tobacco product retailers. Beginning December 1, 2006, the department of taxation has the authority to issue a retail tobacco permit to every retailer engaged in the retail sale of tobacco products. HI ST § 245-2.5(a) (2009). Beginning March 1, 2007, it shall be unlawful for any retailer engaged in the retail sale of tobacco products upon which a tax is required to be paid to sell tobacco products
without a retail tobacco permit. HI ST § 245-2.5(a) (2009). The Department of Taxation has the legal authority to license tobacco products wholesalers and dealers. HI ST § 245-2 (2005).

► Revoke Licensure of Retailers
The Department of Taxation has the authority to revoke retail tobacco permits. HI ST § 245-2.5(m) (2009). The Department of Taxation has the authority to revoke tobacco products licenses for wholesalers and dealers. HI ST § 245-2(c) (2005).

► Restrict Advertising and Sponsorship
City and County of Honolulu Ordinance 98-10 (1998) prohibits placement of tobacco advertisements that are visible outside from public property within 1,000 feet of schools.

Under the Family Smoking Prevention and Tobacco Control Act, the Food and Drug Administration has wide-ranging authority to regulate tobacco product marketing and to restrict tobacco advertising and promotion in the interest of public health. H.R. 1256 (2009). The new legislation allows states to restrict the location, color, size, number and placement of cigarette advertisements and leaves unchanged local and state government power to regulate smokeless tobacco or other tobacco products.

► Criminalize the Possession or Purchase by Minors
The State Legislature has the legal authority to and has criminalized the possession or purchase of tobacco products by minors. HI ST § 709-908 (1998).

Enforcement:
The state and local police have the authority to enforce the criminalization of possession or purchase of tobacco products by minors. FY2009 Memorandums of Agreement with Police Departments (2008).

► Compliance Checks
The Department of Health and local police have the legal authority to conduct and enforce random tobacco compliance checks. HI ST § 709-908(3) (1998).

► Collection of Fines
The money collected from penalties for a tobacco control violation goes to the state general fund. HI ST § 328J-12 (2006). Monies collected for violations of the cigarette tax and tobacco tax law go to the attorney general’s tobacco enforcement special fund or shared equally between the attorney general and the prosecuting attorney. HI ST § 245-41(c) (2003).

► Distribution of Settlement Money
HI ST § 328L-2 (2003) establishes the Hawaii Tobacco Settlement Fund in the state treasury. This fund is administered by the Department of Health. All monies from the MSA, as well as interest and earnings from these monies, are deposited into this fund. In each fiscal year the first $350 million of this money is deposited in the state treasury to the credit of the Tobacco Enforcement Special Fund. HI ST § 328L-2(2) (2003). The remaining MSA monies are distributed as follows: 24.5% into the Emergency and Budget Reserve Fund established under HI ST § 328L-3 (2003), 35% to the department of health for disease prevention and health promotion under HI ST § 328L-4 (1999), 12.5% into the Hawaii Tobacco Prevention and Control Trust Fund established under HI ST § 328L-5 (2001), and 28% into the University Revenue-Undertakings Fund created in HI ST § 306-10 (2005).

FOR MORE INFORMATION
www.capitol.hawaii.gov
IDaho

► Restrict Smoking in Public Places
The Idaho Clean Indoor Air Act is found at ID ST §§ 39-5501, et seq. (2004). Local, county, or municipal governments and the state legislature have the legal authority to restrict smoking in public places such as bars, restaurants, workplaces, etc. ID ST § 39-5511 (2004).

Enforcement:
An employer, or other person in charge of a public place or publicly owned building, or the agent or employee of such person and local and state law enforcement have the authority to enforce restrictions on smoking in public places. ID ST § 39-5507 (2004).

► Restrict Vending Machine Sales
The State Legislature has the legal authority to restrict and has restricted the sale of tobacco products through cigarette vending machines. Selling or distributing tobacco products from a vending machine is prohibited. ID ST § 39-5706 (1998).

► Ban Free Samples and Single Cigarettes
The State Legislature has the legal authority to ban and has banned free tobacco samples and single cigarette sales. ID ST § 39-5707 (1998).

► Ban Self-Service Displays
The State Legislature and local units of government have the legal authority to ban self-service tobacco displays. ID ST § 39-5713 (1998). It is unlawful to sell or distribute tobacco products from self-service displays except in stores with tobacco products comprising at least 75% of total merchandise, if minors are not allowed into the store, and signs prohibiting minors are posted clearly on all entrances. ID ST § 39-5706 (1998).

Enforcement:
Law enforcement agencies, the Attorney General, and the Department of Health and Welfare have the authority to enforce bans on self-service tobacco displays. ID ST § 39-5710 (2003).

► Restrict Internet Sales and Distribution
The State Legislature has the authority to restrict Internet sales of tobacco products. The restrictions on Internet sales are found at ID ST §§ 39-5714, et seq. (2003). These restrictions include age verification requirements, disclosure and notice requirements, registration requirements, and tax collection requirements.

► Levy Taxes
The State Legislature has the legal authority to levy taxes on tobacco products. The Idaho Tobacco Products Tax Act is found at ID ST § 63-2501 et seq. (1974).

Enforcement:
The Idaho State Tax Commission has the authority to enforce tax levies on tobacco products. ID ST § 63-2563 (2007).

► License Retailers
The Department of Health and Welfare has the legal authority to license tobacco product retailers. ID ST § 39-5704 (1998). Local units of government do not have the power to require a permit or license for the sale or distribution of tobacco products. ID ST § 39-5713 (1998).

Enforcement:
The Department of Health and Welfare has the authority to enforce the licensing requirements of tobacco products retailers. ID ST § 39-5704 (1998).

► Revoke Licensure of Retailers
The Department of Health and Welfare has the legal authority to suspend licensure of tobacco product retailers. ID ST § 39-5704 (1998).

► Restrict Advertising and Sponsorship
Under the Family Smoking Prevention and Tobacco Control Act, the Food and Drug Administration has wide-ranging authority to regulate tobacco product marketing and to restrict
tobacco advertising and promotion in the interest of public health. H.R. 1256 (2009). The new legislation allows states to restrict the location, color, size, number and placement of cigarette advertisements and leaves unchanged local and state government power to regulate smokeless tobacco or other tobacco products.

► **Criminalize the Possession or Purchase by Minors**

The State Legislature has the legal authority to criminalize and has criminalized the possession or purchase of tobacco products by minors. ID ST § 39-5703 (1998). Local units of government may pass ordinances that are more stringent than the state's. ID ST § 39-5713 (1998).

**Enforcement**

Law enforcement agencies, the Attorney General, and the Department of Health and Welfare have the authority to enforce the criminal possession or purchase of tobacco products by minors. ID ST § 39-5710 (2003).

► **Compliance Checks**

The Department of Health and Welfare and law enforcement agencies have the legal authority to conduct random, unannounced tobacco compliance checks. ID ST § 39-5710 (2003).

► **Collection of Fines**

ID ST § 39-5711 (1998) created the Prevention of Minors' Access to Tobacco Fund in the state treasury. All monies collected for violations of all laws, rules, or regulations regarding the sale or distribution of tobacco products shall be remitted to this fund. ID ST § 39-5708 (2001).

► **Distribution of Settlement Money**

The State Legislature created the Idaho Millennium Permanent Endowment Fund which consists of 80% of all monies distributed to the state pursuant to the Master Settlement Agreement. ID ST § 67-1801 (2006). Each year the state treasurer distributes 5% of the average monthly fair market value of the Idaho Millennium Permanent Endowment Fund into the Idaho Millennium Income Fund. ID ST § 67-1802 (2006). The State Legislature allocates money from the Idaho Millennium Income Fund. ID ST §§ 67-1801, et seq. has been amended, effective January 1, 2007. These amendments create the Idaho Millennium Permanent Endowment Fund, provide an annual distribution from this fund to the Idaho Millennium Income Fund, provide for distribution of monies to the Idaho Millennium Fund and provide for an annual distribution from this fund, provide a fund balance limit in the Idaho Millennium Fund, and provide for transfer to the Idaho Millennium Permanent Endowment Fund any amount exceeding this statutory limit.

**FOR MORE INFORMATION**

www3.state.id.us/idstat/TOC/idstTOC.html
Restrict Smoking in Public Places
The Smoke Free Illinois Act is found at 410 ILCS 82/1, et seq. (2008). The Illinois General Assembly, a home rule unit of local government, and any municipality have the legal authority to restrict smoking in public places such as bars, restaurants, workplaces, etc. Restrictions on smoking in public places are found at 410 ILCS 82/15 (2009).

Enforcement:
The Department of Public Health, state-certified local public health departments, or local law enforcement agencies may enforce and assess fines for violations related to the Smoke Free Illinois Act. 410 ILCS 82/40 (2009).

Restrict Vending Machine Sales
Tobacco product sales through vending machines are not prohibited if the location of the vending machine complies with the provisions of the Sale of Tobacco to Minors Act. 720 ILCS 677/15 (2005). In Illinois, home rule units of local government and the Illinois General Assembly have the legal authority to restrict the sale of tobacco products through cigarette vending machines. ILCS Const. Art. 7, § 6.

Ban Samples and Single Cigarettes
Free tobacco samples and single cigarette sales are not banned to date. The Illinois General Assembly and home rule units of local government have the legal authority to ban free tobacco samples and single cigarette sales. 720 ILCS 675/1 (2009) prohibits the distribution of tobacco product samples to minors.

Ban Self-Service Displays
Home rule units of local governments and the Illinois General Assembly have the legal authority to ban self-service tobacco displays. All single packs of cigarettes must be sold from behind the counter, in an age restricted area, or in a sealed display case. All other tobacco products displays must be visible to the cashier or other employee. 720 ILCS 677/10 (2005).

Restrict Internet Sales and Distribution
The Illinois General Assembly has the legal authority to restrict Internet sales. The restrictions on Internet sales are found at 720 ILCS 678/1 et seq. (2004). The restrictions include age verification requirements and licensing requirements.

Levy Taxes
The Illinois General Assembly has the legal authority to levy taxes on tobacco products. The Illinois Cigarette Tax Act is found at 35 ILCS 130/1 et seq. (2009). The Illinois Tobacco Products Tax Act of 1995 is found at 35 ILCS 143/1 et seq. Under the Illinois Constitution both home rule and non-home rule municipalities may impose a cigarette tax. ILCS Const. Art. 7, § 6. The Department of Revenue does not collect these local taxes.

Enforcement:
The Department of Revenue has the authority to enforce tax levies on tobacco products. 35 ILCS 130/2 (2006).

License Retailers
The Department of Revenue has the legal authority to license distributors to sell tobacco products. 35 ILCS 130/4 (2009), 35 ILCS 143/10 (2002). There are no license requirements for retailers.

Enforcement:
The Department of Revenue has the authority to enforce licensing requirements of tobacco product distributors. 35 ILCS 130/6 (2002), 35 ILCS 143/10-25 (2002).

Revoke Licensure of Retailers
The Department of Revenue has the legal authority to revoke licensure of tobacco product distributors. 35 ILCS 130/6 (2002), 35 ILCS 143/10-25 (2002).
Restrict Advertising and Sponsorship
Under the Family Smoking Prevention and Tobacco Control Act, the Food and Drug Administration has wide-ranging authority to regulate tobacco product marketing and to restrict tobacco advertising and promotion in the interest of public health. H.R. 1256 (2009). The new legislation allows states to restrict the location, color, size, number and placement of cigarette advertisements and leaves unchanged local and state government power to regulate smokeless tobacco or other tobacco products.

Criminalize the Possession or Purchase by Minors
The Illinois General Assembly has the legal authority to criminalize the possession or purchase of tobacco products by minors. The Illinois General Assembly has criminalized the sale of tobacco products to minors. 720 ILCS 675/1 (2009). The possession of tobacco products by minors has not been criminalized.

Enforcement
The police have the authority to enforce the criminal purchase of tobacco products by minors.

Compliance Checks
The Illinois Liquor Control Commission has the legal authority to conduct random tobacco compliance checks. 235 ILCS 5/6-16.1 (2003).

Collection of Fines
One half of each fine collected under the Sale of Tobacco to Minors Act is distributed to the unit of local government or other entity that successfully prosecuted the offender and one-half shall be remitted to the state of Illinois to be used for enforcing this Act. 720 ILCS 675/2 (1993).

Distribution of Settlement Money
The Illinois General Assembly has the legal authority to distribute the tobacco settlement money.
**Reserve Smoking in Public Places**

The Indiana Clean Indoor Air Law is found at IC 16-41-37-1 et seq. (1993). Local municipalities, towns, counties, and the State Legislature have the legal authority to restrict smoking in public places such as bars, restaurants, workplaces, etc. IC 16-41-37-9 (1996).

**Enforcement:**

The official in charge of a public building shall remove a person who is smoking in violation of this law and fails to refrain from smoking when requested to do so. IC 16-41-37-6 (1996). The Office of Prosecutor in the Alcohol and Tobacco Commission has the authority to prosecute violations of laws pertaining to tobacco. IC 7.1-2-5 (2003).

**Restrict Vending Machine Sales**


**Enforcement:**

The Office of Prosecutor in the Alcohol and Tobacco Commission has the authority to prosecute violations of vending machine sales of tobacco products. IC 7.1-2-5 (2003).

**Ban Free Samples and Single Cigarettes**

There is no outright ban on free tobacco samples and single cigarette sales to date. The State Legislature has the legal authority to ban free tobacco samples and single cigarette sales. IC 16-41-39-1 (1996). An ordinance, bylaw, or rule of any county, city, township, other political subdivision, or agency of the state is void. IC 16-41-39-2 (1996). Free tobacco samples to minors are prohibited. IC 35-46-1-10.2 (2008). Cigarettes can only be sold in an unopened package originating with the manufacturer that bears the health warning required by federal law. IC 7.1-6-2-3 (1996).

**Ban Self-Service Displays**

Self-service cigarette displays are prohibited except in retail establishments that do not allow individuals under the age of 18 to enter. IC 35-46-1-11.8 (2007). The State Legislature has the legal authority to ban self-service tobacco displays. IC 16-41-39-1 (1996). Local ordinances, bylaws, and rules regulating the display of tobacco products are prohibited. IC 16-41-39-2 (1996).

**Restrict Internet Sales and Distribution**

The State Legislature has the legal authority to restrict Internet sales of tobacco products. Restrictions on Internet sales are found at IC 24-3-5-1 et seq. (2005).

**Levy Taxes**

The Indiana Cigarette Tax Act is found at IC 6-7-1-1 et seq. (1988) & 6-7-1-12 (2007). The Tobacco Products Tax Act is found at IC 6-7-2-1 et seq. (1987) & 6-7-2-7 (2007). In Indiana, the State Legislature has the legal authority to levy taxes on tobacco products.

**Enforcement:**

The Indiana Department of State Revenue has the legal authority to enforce tax levies on tobacco products. IC 6-7-1-15 (1980).

**License Retailers**

The State Legislature has the legal authority to license tobacco product retailers. Currently, retailers are required to obtain a tobacco sales certificate issued by the Alcohol and Tobacco Commission. IC 7.1-3-18.5-1 (2003). Distributors must obtain a registration certificate to sell cigarettes issued by the Department of State Revenue. IC 6-7-1-16 (1992). Distributors must obtain a license from the Department of State Revenue before they distribute tobacco products in Indiana. IC 6-7-2-8 (1987). Importers and manufacturers must obtain a license from the...
Alcohol and Tobacco Commission for their principal place of business. IC 24-3-6-9 (2005).

► **Revoke Licensure of Retailers**
The Alcohol and Tobacco Commission may suspend a tobacco sales certificate of a person who fails to pay civil penalties imposed for violating tobacco laws. IC 7.1-3-18.5-5 (2008). The Department of Revenue has the legal authority to suspend or revoke registration certificates for distributors. IC 6-7-1-15 (1980). The Department of Revenue has the legal authority to revoke or suspend licenses for tobacco product distributors. IC 6-7-2-11 (2003). The Alcohol and Tobacco Commission has the legal authority to revoke or suspend importers' and manufacturers' principal place of business licenses. IC 24-3-6-9 (2005).

► **Restrict Advertising and Sponsorship**
Under the Family Smoking Prevention and Tobacco Control Act, the Food and Drug Administration has wide-ranging authority to regulate tobacco product marketing and to restrict tobacco advertising and promotion in the interest of public health. H.R. 1256 (2009). The new legislation allows states to restrict the location, color, size, number and placement of cigarette advertisements and leaves unchanged local and state government power to regulate smokeless tobacco or other tobacco products.

► **Criminalize the Possession or Purchase by Minors**
The State Legislature has the legal authority to criminalize the possession or purchase of tobacco products by minors. Any person less than 18 years of age who purchases or possesses tobacco products commits a class C infraction. IC § 35-46-1-10.5 (1996).

**Enforcement**
In Indiana, the Office of Prosecutor in the Alcohol and Tobacco Commission has the authority to enforce laws against possession or purchase of tobacco products by minors. IC 7.1-2-2-5 (2003).

► **Compliance Checks**
The Division of Mental Health and Addiction has the legal authority to coordinate random, unannounced compliance checks. The Alcohol and Tobacco Commission, a state law enforcement agency, a county sheriff’s office, or municipal police department have the legal authority to conduct random tobacco compliance checks. IC 7.1-6-2-2 (2001).

► **Collection of Fines**
The Richard D. Doyle Youth Tobacco Education and Enforcement Fund was established by IC 7.1-6-2-6 (2003). Civil penalties collected must be deposited into this fund. IC 35-46-1-10, et seq. (2003). The fund is administered by the Alcohol and Tobacco Commission. IC 7.1-6-2-6 (2003).

► **Distribution of Tobacco Settlement Money**
The Tobacco Master Settlement Agreement Fund was created by IC 4-12-1-14.3 (2003). The fund is administered by the Budget Agency. IC 4-12-1-14.3 (2003).

**FOR MORE INFORMATION**
www.in.gov/legislative/ic/code/
The State Legislature and local government have the legal authority to restrict smoking in public places such as bars, restaurants, workplaces, etc. As of July 1, 2008, I.C.A. § 142B which provided preemption was repealed. The Iowa Smoke-free Air Act restricts smoking in restaurants, bars, and workplaces and can be found at I.C.A. § 142D.1 et seq. (2008).

**Restrict Smoking in Public Places**

The State Legislature has the legal authority to restrict smoking in public places such as bars, restaurants, workplaces, etc. I.C.A. § 142B was repealed on July 1, 2008, and I.C.A. § 142D.1 et seq. (2008) restricts smoking in restaurants, bars, and workplaces.

**Enforcement:**
The Department of Public Health, or its designee, has the authority to enforce compliance with smoking restrictions in public places and the workplace. I.C.A. § 142D.8 (2008).

**Restrict Vending Machine Sales**
The State Legislature has the legal authority to restrict the sale of tobacco products through cigarette vending machines. In Iowa, cigarettes or other tobacco products cannot be sold through a vending machine unless the vending machine is located in a place where no person under the age of 18 is present or permitted to enter at any time. I.C.A. § 453A.36(6) (2007). The provisions of Chapter 453A shall supersede any local law or regulation which is inconsistent with, or conflicts with, the provisions of this chapter. I.C.A. § 453A.56 (1991).

**Enforcement:**
The Director of the Department of Revenue has the authority to enforce restrictions on tobacco vending machines. I.C.A. § 453A.25 (2007).

**Ban Free Samples and Single Cigarettes**
The State Legislature has the legal authority to ban free tobacco samples and single cigarette sales. The sale of cigarettes in packs of fewer than 20 is prohibited. I.C.A. § 453A.6 (2007). All cigarette samples must have a cigarette tax stamp affixed to them. Free tobacco samples to minors or within 500 feet of a playground, school or other facility used primarily by persons under the age of 18 are prohibited. I.C.A. § 453A.39 (2004).

**Ban Self-Service Displays**
The State Legislature has the legal authority to ban self-service tobacco displays. A retailer is prohibited from selling or offering for sale tobacco products in a quantity of less than a carton through the use of a self-service display. I.C.A. § 453A.36A (1998). The provisions of Chapter 453A shall supersede any local law or regulation which is inconsistent with, or conflicts with, the provisions of this chapter. I.C.A. § 453A.56 (1991).

**Enforcement:**
The Director of the Department of Revenue has the authority to enforce restrictions on self-service tobacco displays. I.C.A. § 453A.25 (2007).

**Restrict Internet Sales and Distribution**
The State Legislature has the legal authority to restrict Internet sales but has not done so to date.

**Levy Taxes**
The State Legislature has the legal authority to levy taxes on tobacco products. In Iowa, the Cigarette and Tobacco Taxes Act is found at I.C.A. §§ 453A et seq. (2007).

**Enforcement:**

**License Retailers**
Every distributor, wholesaler, cigarette vendor, and retailer who engages in the sale or use of cigarettes upon which a tax is required to be paid must obtain a state or retail cigarette permit. I.C.A. § 453A.13 (2007). The Department of Revenue issues state permits to distributors, wholesalers, and cigarette vendors. City and

► Revoke Licensure of Retailers
The Department of Revenue, the local authority, or the Iowa Department of Public Health have the legal authority to revoke licensure of tobacco product retailers if a retailer violates the sales to minors provisions or restrictions on vending machine provisions. I.C.A. § 453A.22 (2006).

► Restrict Advertising and Sponsorship
Under the Family Smoking Prevention and Tobacco Control Act, the Food and Drug Administration has wide-ranging authority to regulate tobacco product marketing and to restrict tobacco advertising and promotion in the interest of public health. H.R. 1256 (2009). The new legislation allows states to restrict the location, color, size, number and placement of cigarette advertisements and leaves unchanged local and state government power to regulate smokeless tobacco or other tobacco products.

► Criminalize the Possession or Purchase by Minors
The State Legislature has the legal authority to prohibit and has prohibited the possession or purchase of tobacco products by minors. I.C.A. § 453A.2(2) (2003).

Enforcement
The Iowa Department of Public Health, a county health department, a city health department, or a city may directly enforce the prohibitions on possession or purchase of tobacco products by minors. I.C.A. § 453A.2(4) (2003).

► Compliance Checks
The Alcoholic Beverages Division of the Department of Commerce shall develop a tobacco compliance employee training program which shall be made available to employees and prospective employees of retailers. I.C.A. § 453A.5 (2005). Law enforcement officers have the legal authority to conduct compliance checks. Law enforcement officers are defined to include the Iowa Department of Public Health, a county health department, a city health department, or a city. I.C.A. § 453A.2 (2003). Law enforcement officers are also defined to include sheriffs and their regular deputies, marshals and police officers of cities, and peace officer members of the department of public safety. I.C.A. § 801.4(11) (1990).

► Collection of Fines
The city or county enforcing the violation retains the penalty. I.C.A. § 453A.3 (2005). Civil penalties assessed by the Iowa Department of Public Health are paid into a Tobacco Compliance Employee Training Fund created in the office of the treasurer of the state. Monies in the fund are appropriated to the Alcoholic Beverages Commission of the Department of Commerce and shall be used to administer the tobacco compliance employee training program. I.C.A. § 453A.2(7) (2003).

► Distribution of Settlement Money
The Tobacco Settlement Authority was created as a public instrumentality and agent of the state. The Tobacco Settlement Authority has the legal authority to sell, pledge, or assign, as security or consideration, all or a portion of the state's share of the Master Settlement Agreement. I.C.A. § 12E.3 (2001). A Tobacco Settlement Trust Fund was established under the control of the Tobacco Settlement Authority. This fund is separate and apart from all other public monies or funds of the state. Payments received from the Master Settlement Agreement, which are not pledged to the payment of bonds or otherwise obligated, are paid into this fund. I.C.A. § 12E.12(1)(a) (2008). The Tobacco Settlement Authority shall execute the disposition and investment of monies in the fund. I.C.A. § 12E.12(3) (2008).

FOR MORE INFORMATION
http://www.legis.state.ia.us/IowaLaw.html
KANSAS

► Restrict Smoking in Public Places
Restrictions on smoking in public places are found at KS ST §§ 21-4009 et seq. (1987). The State Legislature, cities, and counties have the legal authority to restrict smoking in public places such as bars, restaurants, workplaces, etc. KS ST § 21-4013 (1987).

Enforcement:
The proprietor or person in charge of a public place shall post signs stating that smoking is prohibited by state law. In a designated smoking area, signs must be posted stating that smoking is allowed in that area. KS ST § 21-4011 (1987). The Department of Health and Environment or local board of health may institute an action in any court of competent jurisdiction to enjoin repeated violations of this act. KS ST § 21-4012 (1987).

► Restrict Vending Machine Sales
The State Legislature has the legal authority to restrict the sale of tobacco products through cigarette vending machines. In Kansas, a vending machine operator is required to obtain a vending machine operator's master license and a separate permit for each vending machine used by the operator. KS ST § 79-3303 (2001). It is unlawful to vend small cigars from a cigarette vending machine. KS ST § 79-3321(k) (2000).

Enforcement:
The Director of Taxation is authorized to suspend or revoke a vending machine operator's master license. The revocation or suspension of a master license shall revoke or suspend all vending machine permits issued to the vending machine operator. KS ST § 79-3309 (1996). The Director of Taxation and the Director's agents and representatives, state law enforcement officers, and city police have the authority to enforce restrictions on tobacco product vending machines. KS ST § 79-3326 (1996).

► Ban Free Samples and Single Cigarettes
The State Legislature has the legal authority to ban free tobacco samples and single cigarette sales. Manufacturers are authorized to distribute free sample packages of cigarettes containing fewer than 20 cigarettes without tax stamps provided that monthly reports and payment of tax are made directly to the Director of Taxation. KS ST § 79-3313 (2007). Free tobacco samples to minors or distribution of free samples within 500 feet of any school used primarily by minors is prohibited unless it is in an area where minors are denied access: at a tobacco store; or at an outdoor production, repair, or construction site. KS ST § 79-3321(s) (2000). All cigarettes in Kansas must be in packages. KS ST § 79-3313 (2007). It is unlawful to sell any cigarettes the package of which does not comply with all requirements imposed by federal law regarding warnings and other information on packages of cigarettes manufactured, packaged, or imported for sale, distribution, or use in the United States. KS ST § 79-3321(u)(1) (2000).

► Ban Self-Service Displays
Self-service tobacco displays have not been banned to date. The State Legislature has the legal authority to ban self-service tobacco displays.

► Restrict Internet Sales and Distribution
The State Legislature has the legal authority to restrict Internet sales of tobacco products. Restrictions on Internet sales of cigarettes are found at KS ST § 79-3333 (2004). There are no restrictions on Internet sales of other tobacco products to date.

► Levy Taxes
The State Legislature has the legal authority to levy taxes on tobacco products. KS ST § 79-3310 (2002) imposes a tax and sets the tax rate on cigarettes. KS ST § 79-3371 (1972) imposes and sets the tax rate on all other tobacco products.
**Enforcement**
The Director of Taxation has the legal authority to enforce tax levies on tobacco products. The Secretary of Revenue shall adopt rules and regulations for the administration of the tobacco tax act. The Director of Taxation may use any state law enforcement officer or city police to aid enforcement. KS ST § 79-3326 (1996).

- **License Retailers**
The Director of Taxation has the legal authority to license tobacco product retailers. KS ST § 79-3303 (2001). The Director of Taxation has the legal authority to license tobacco product distributors. KS ST § 79-3373 (1996).

- **Revoke Licensure of Tobacco Product Retailers**
The Director of Taxation has the legal authority to revoke licensure of tobacco product retailers and distributors. KS ST § 79-3309 (1996).

- **Restrict Advertising and Sponsorship**
Under the Family Smoking Prevention and Tobacco Control Act, the Food and Drug Administration has wide-ranging authority to regulate tobacco product marketing and to restrict tobacco advertising and promotion in the interest of public health. H.R. 1256 (2009). The new legislation allows states to restrict the location, color, size, number and placement of cigarette advertisements and leaves unchanged local and state government power to regulate smokeless tobacco or other tobacco products.

- **Criminalize the Possession or Purchase by Minors**
The State Legislature has the legal authority to criminalize and has criminalized the possession or purchase of tobacco products by minors. KS ST §§ 79-3321 (2000) & 79-3322 (2000).

- **Compliance Checks**
The Director of Taxation, the Attorney General, county attorneys, and district attorneys have the legal authority to conduct random tobacco compliance checks. KS ST §§ 79-3326 (1996) & 79-3394 (1996).

- **Collection of Fines**
Any fine collected for violations of the Cigarettes and Tobacco Products Act are remitted to the state treasurer who deposits the entire amount in the state treasury to the credit of the Cigarette and Tobacco Products Regulation Fund. KS ST § 79-3391 (2001).

- **Distribution of Tobacco Settlement Money**
The State Legislature is involved in the decision-making process for the distribution of the tobacco settlement money.

**FOR MORE INFORMATION**
www.kslegislature.org/legsrv-statutes/index.do
Restrict Smoking in Public Places

The State Legislature and local government have the legal authority to restrict smoking in public places such as bars, restaurants, workplaces, etc. Lexington Fayette County Food and Beverage Association v. Lexington-Fayette Urban County Government, et al. 131 S.W.3d 745 (2004). In Kentucky there are no state legislated restrictions on smoking in public places such as bars, restaurants, workplaces, etc. except in some government buildings and schools. Smoking is prohibited in public areas of the Capitol and Capitol Annex except in designated smoking areas. KRS § 61.167 (2004). In schools, smoking is restricted to a room on the school premises designated by the superintendent or principal for that purpose. KRS § 438.050 (1988).

KRS 212.230 (2006) states that boards of health may adopt administrative regulations not in conflict with regulations of Cabinet for Health and Family Services necessary to protect the health of the people. KRS 212.890 (1972) states that local boards of health, except as provided by law, do all other things reasonably necessary to protect and improve health of the people. Lexington Fayette County Food and Beverage Association v. Lexington-Fayette Urban County Government, et al. 131 S.W.3d 745 (2004) states that the protection of public health is uniformly recognized as a most important municipal function and that local ordinances prohibiting smoking in public places are not preempted.

Restrict Vending Machine Sales

The State Legislature has the legal authority to restrict the sale of tobacco products through cigarette vending machines. The provisions of KRS §§ 438.305 to 438.340 (2000) supersede any subsequently enacted local law, ordinance, or regulation relating to the use, display, sale, or distribution of tobacco products. KRS § 438.300 (1996). The use of vending machines by any person under the age of 18 for the sale or purchase of tobacco products is prohibited. Any vending machine dispensing tobacco products must be in the line of sight of the cashier for the retail establishment except for machines located in factories or vending machines located in bars or taverns where access to minors is prohibited. KRS § 438.315 (2000).

Enforcement:

All peace officers with general law enforcement authority and employees of the Office of Alcoholic Beverage Control may issue a uniform citation, but not make an arrest or take a child into custody, for a violation of these restrictions. KRS § 438.315 (5) (2000).

Ban Free Samples and Single Cigarettes

The State Legislature has the legal authority to ban free tobacco samples and single cigarette sales. Tobacco product samples to any person under the age of 18 are prohibited. KRS § 438.313 (2000). All cigarettes sold at retail must be in packages of no fewer than 20 cigarettes. KRS § 438.317 (2000).

Ban Self-Service Displays

Self-service tobacco displays have not been banned to date. The State Legislature has the legal authority to ban self-service tobacco displays.

Restrict Internet Sales and Distribution

The State Legislature has the legal authority to restrict Internet sales of tobacco products but has not done so to date.

Levy Taxes

The State Legislature has the legal authority to levy taxes on tobacco products. KRS § 138.140 (2009) imposes taxes and sets the tax rates on tobacco products.

License Retailers

Retailers are not required to obtain a license to sell tobacco products. The State Legislature has the legal authority to license tobacco product retailers. Cigarette wholesalers and cigarette vending machine operators are required to obtain a license.
from the Department of Revenue. KRS § 138.195 (1) (2009).

► **Revoke Licensure of Retailers**  
Retailers are not required to obtain a license to sell tobacco products. The Commissioner of the Department of Revenue has the authority to revoke licensure of wholesalers and vending machine operators. KRS § 138.195 (8) (2009).

► **Restrict Advertising and Sponsorship**  
Under the Family Smoking Prevention and Tobacco Control Act, the Food and Drug Administration has wide-ranging authority to regulate tobacco product marketing and to restrict tobacco advertising and promotion in the interest of public health. H.R. 1256 (2009). The new legislation allows states to restrict the location, color, size, number and placement of cigarette advertisements and leaves unchanged local and state government power to regulate smokeless tobacco or other tobacco products.

In Kentucky, no cigarette or tobacco products advertising shall be posted on a billboard larger than 50 square feet, located within 500 feet of any elementary or secondary school, or adjacent school-owned property. KRS § 438.047 (1992).

► **Criminalize the Possession or Purchase by Minors**  
The State Legislature has the legal authority to criminalize and has criminalized the possession or purchase of tobacco products by minors. KRS §§ 438.311 (2006) & 438.350 (2000).

► **Collection of Fines**  
The Department of Agriculture and the Office of Alcoholic Beverage Control each keep 50% of any fines collected for tobacco control violations. KRS §§ 438.335 (2005) & 438.337 (2000).

► **Distribution of Settlement Money**  
The Tobacco Settlement Agreement Fund was created as a permanent and perpetual fund to which all funds designated to Kentucky from the Master Settlement Agreement are designated. KRS § 248.654 (2000). The allocation of monies received in the Tobacco Settlement Agreement Fund is set out in KRS § 248.703 (2005). The Tobacco Settlement Agreement Fund Oversight Committee is established by KRS § 248.723 (2009).

FOR MORE INFORMATION  
www.lrc.ky.gov/krs/titles.htm
The Louisiana Smoke-free Air Act is found at LSA-R.S. 40:1300.251 et seq. (2008) and restricts smoking in restaurants and all workplaces. The State Legislature, municipal, and parish governing authorities and any political subdivision of the state have the legal authority to restrict smoking in public places such as restaurants, bars, workplaces, etc. LSA-R.S. 40:1300.256 (2008).

**Enforcement:**
Law enforcement officers have the authority to enforce the restrictions on smoking in public places. LSA-R.S. 40:1300.262 (2008).

**Restrict Vending Machine Sales**
The State Legislature has the legal authority to restrict the sale of tobacco products through cigarette vending machines. Every person who sells cigarettes, cigars, and smoking tobacco by vending machine must obtain from the Collector of Revenue a permit for each place of business. LSA-R.S. 47:844 (2006). Every person who sells tobacco products by vending machine must obtain a permit for each vending machine from the Commissioner of Alcohol and Tobacco Control, LSA-R.S. 26:901 (2006). In Louisiana, cigarettes and other tobacco products cannot be sold through a vending machine unless the vending machine is located in a place where no person under the age of 18 is present or permitted to enter at any time and is within the obstructed line of sight of the dealer. LSA-R.S. 26:910 (1997).

**Enforcement:**
The Commissioner of Alcohol and Tobacco Control, the Secretary of the Department of Revenue, governing authorities of municipalities or parishes, sheriffs, law enforcement authorities, and citizens have the right to have a permittee cited by the Commissioner of Alcohol and Tobacco Control to show cause why a permit should not be suspended or revoked. LSA-R.S. 26:916 (2006). The Commissioner of Alcohol and Tobacco Control has the legal authority to suspend or revoke vending machine operator permits and vending machine permits. LSA-R.S. 26:916 (2006).

**Ban Free Samples and Single Cigarettes**
The State Legislature has the legal authority to ban free tobacco samples and single cigarette sales. Promotional samples of any tobacco products to persons under the age of 18 are prohibited. LSA-R.S. 14:91.6 (1988). The sale of single cigarettes is banned. All cigarettes sold or distributed must be in packages of no fewer than 20 cigarettes. LSA-R.S. 26:911 (1999).

**Ban Self-Service Displays**
The State Legislature has the legal authority to ban self-service tobacco displays. Self-service tobacco displays are prohibited under a law signed in July 2009. All tobacco products must be sold behind the retail counter or in locked display cases in the line of sight of the retailer. LSA-R.S. 26:901(10) (2009).

**Restrict Internet Sales and Distribution**
The State Legislature has the legal authority to restrict Internet sales of tobacco products. In Louisiana, restrictions on Internet sales of cigarettes are found at LSA-R.S. 47:871 et seq. (2003). Internet sales of cigarettes to any person under the legal minimum purchase age is prohibited. LSA-R.S. 47:872 (2003). There are no restrictions on Internet sales of other tobacco products to date.

**Levy Taxes**
The State Legislature has the legal authority to levy taxes on tobacco products. LSA-R.S. 47:841 (2002) imposes a tax and sets the tax rate on tobacco products.

**Enforcement:**
The Collector of Revenue has the legal authority to collect, supervise, and enforce the collection of all taxes and penalties. LSA-R.S. 47:856 (1932).
License Retailers
In Louisiana, the Commissioner of Alcohol and Tobacco Control has the legal authority to license tobacco product retailers. LSA-R.S. 26:902 (1997).

Enforcement
The Commissioner of Alcohol and Tobacco Control has the authority to enforce licensing requirements of tobacco product retailers. LSA-R.S. 26:916 (2006).

Revoke Licensure of Retailers
The Commissioner of Alcohol and Tobacco Control has the legal authority to revoke licensure of tobacco product retailers. LSA-R.S. 26:916 (2006).

Restrict Advertising and Sponsorship
Under the Family Smoking Prevention and Tobacco Control Act, the Food and Drug Administration has wide-ranging authority to regulate tobacco product marketing and to restrict tobacco advertising and promotion in the interest of public health. H.R. 1256 (2009). The new legislation allows states to restrict the location, color, size, number and placement of cigarette advertisements and leaves unchanged local and state government power to regulate smokeless tobacco or other tobacco products.

Criminalize the Possession or Purchase by Minors
The State Legislature has the legal authority to criminalize the possession or purchase of tobacco products by minors. The provisions of the Prevention of Youth Access to Tobacco Law supersede existing or subsequently adopted local ordinances or regulations which relate to the sale, promotion, or distribution of tobacco products. LSA-R.S. 14:91.8 (B) (1997).

Compliance Checks
The Commissioner of Alcohol and Tobacco Control has the legal authority to conduct random tobacco compliance checks. LSA-R.S. 26:793 (1999).

Collection of Fines
The Commissioner of Alcohol and Tobacco Control has the legal authority to impose fines to be paid into the state treasury. LSA-R.S. 26:918 (1997).

Distribution of Settlement Money

FOR MORE INFORMATION
www.legis.state.la.us/lss/tsrsssearch.htm
Restrictions on smoking in public places are found at 22 M.R.S.A. §§ 1541 et seq. (2007). Restrictions on smoking in places of employment are found at 22 M.R.S.A. § 1580-A (2005). The municipalities and State Legislature have the legal authority to restrict smoking in public places such as bars, restaurants, workplaces, etc.

**Enforcement:**
The Maine Center for Disease Control and Prevention has the authority to enforce the restrictions on smoking in public places. 22 M.R.S.A. § 1548 (2005). The Maine Center for Disease Control and Prevention has the authority to enforce the restrictions on smoking in places of employment. 22 M.R.S.A. § 1580-A (4) (2005). The Attorney General enforces both smoking in public and workplaces on behalf of the Maine Center for Disease Control and Prevention.

**Restrict Vending Machine Sales**
Restrictions on tobacco product sales through vending machines are found at 22 M.R.S.A. § 1553-A (1997). A retail tobacco license is required to sell tobacco products through vending machines. 22 M.R.S.A. § 1551-A (1995). In Maine, municipalities and the State Legislature have the legal authority to restrict the sale of tobacco products through cigarette vending machines. 22 M.R.S.A. § 1556 (1997).

**Enforcement:**
Law enforcement officers and individuals hired by contract with the Department of Health and Human Services have the authority to enforce compliance with restrictions on vending machine sales of tobacco products. 22 M.R.S.A. § 1556-A (2007).

**Ban Free Samples and Single Cigarettes**
Municipalities and the State Legislature have the legal authority to ban free tobacco samples and single cigarette sales. 22 M.R.S.A. § 1556 (1997). Free tobacco samples to minors are prohibited. 22 M.R.S.A. § 1555-B (2005). No cigarettes may be sold in smaller quantities than placed in the package by the manufacturer. All cigarettes sold at retail must be in packages of no fewer than 20 cigarettes. 22 M.R.S.A. § 1554-A (2003).

**Ban Self-Service Displays**
Self-service tobacco displays are banned except tobacco specialty stores or other locations minors are prohibited or for the sale of tobacco products in multi-unit packages of 10 or more. 22 M.R.S.A. § 1555-B(11) (2005). Municipalities and the State Legislature have the legal authority to ban self-service tobacco displays. 22 M.R.S.A. § 1555-B (2005).

**Restrict Internet Sales and Distribution**
The State Legislature has the legal authority to restrict Internet sales. The restrictions on Internet sales are found at 22 M.R.S.A. §§ 1555-C & 1555-D (2003).

**Levy Taxes**
The State Legislature has the legal authority to levy taxes on tobacco products. 36 M.R.S.A. § 4365 (2005) imposes a tax and sets the tax rate on cigarettes. 36 M.R.S.A. § 4403 (2005) imposes a tax and sets the tax rate on other tobacco products.

**Enforcement:**
The State Tax Assessor has the authority to enforce tax levies on tobacco products. 36 M.R.S.A. § 4379 (1997).

**License Retailers**
The Department of Health and Human Services has the legal authority to license tobacco product retailers. 22 M.R.S.A. § 1551-A (1995). Municipalities may enact licensing ordinances or regulations that are more restrictive than the state's. 22 M.R.S.A. § 1556 (1997).
Enforcement
The Department of Health and Human Services with the cooperation of all law enforcement officers has the authority to enforce licensing requirements of tobacco product retailers. 22 M.R.S.A. § 1551-A (1995).

► Revoke Licensure of Retailers
The District Court has the legal authority to revoke licensure of tobacco product retailers. 22 M.R.S.A. § 1557 (1999).

► Restrict Advertising and Sponsorship
Under the Family Smoking Prevention and Tobacco Control Act, the Food and Drug Administration has wide-ranging authority to regulate tobacco product marketing and to restrict tobacco advertising and promotion in the interest of public health. H.R. 1256 (2009). The new legislation allows states to restrict the location, color, size, number and placement of cigarette advertisements and leaves unchanged local and state government power to regulate smokeless tobacco or other tobacco products.

► Criminalize the Possession or Purchase by Minors
The State Legislature has the legal authority to criminalize the possession or purchase of tobacco products by minors. In Maine, it is a civil violation for a minor to purchase, possess, or use cigarettes, cigarette papers, and any tobacco products. 22 M.R.S.A. § 1555-B (2005).

Compliance Checks
The Department of Health and Human Services and local law enforcement agencies have the legal authority to conduct random tobacco compliance checks. The Department of Health and Human Services in cooperation with the Attorney General’s office enforces random tobacco compliance checks.

Collection of Fines
The District Court collects the money from penalties for tobacco control violations by other than licensed retailers or their employees and distributes 50% of the funds to the Maine Criminal Justice Academy and 50% to the state’s General Fund. 22 M.R.S.A. § 1555-B (5) (2005). The District Court collects the money from penalties for violations by licensed retailers and employees of licensed retailers and distributes 50% to the Department of Health and Human Services to defray the administrative costs of retail tobacco licensing and 50% to the Attorney General to support enforcement and responsible retailing education programs. 22 M.R.S.A § 1558 (8)(A) (2005).

Distribution of Settlement Money
The State Legislature allocates the distribution of the tobacco settlement money. 22 M.R.S.A. § 1511 (2007).

FOR MORE INFORMATION
http://janus.state.me.us/legis/statutes/
Maryland

► Restrict Smoking in Public Places

► Restrict Vending Machine Sales
The State Legislature has the legal authority to restrict the sale of tobacco products through cigarette vending machines. Restrictions on tobacco product sales through vending machines are found at MD Code, Business Regulation, §§ 16-3A-01 et seq. (2000).

► Ban Free Samples and Single Cigarettes
The State Legislature has the legal authority to ban free tobacco samples and single cigarette sales. While there is no statewide ban on free tobacco samples, Baltimore City and Howard County have passed outright prohibitions on the free distribution of tobacco products. Baltimore City Code, Health § 12-301 et seq; Howard County Code, § 12.1400 et seq. State law requires cigarettes be sold in packages of no fewer than 20. MD Code, Commercial Law, § 11-5A-02 (2000). Baltimore City and Prince George’s County have also passed local law prohibiting the sale of cigarettes in packages with fewer than 20. Baltimore City Code, Health § 12-201 et seq; Prince George’s County Code, § 12-204.

Enforcement:
The State Comptroller has the legal authority to enforce the ban on single cigarette sales. MD Code, Commercial Law, § 11-5A-03 (2000). The Baltimore City and Prince George’s County health departments have the authority to enforce their local laws prohibiting the sale of single cigarettes. Similarly, the Baltimore City and Howard County health departments have the authority to enforce their local laws prohibiting the distribution of free tobacco samples.

► Ban Self-Service Displays
Local governments (county councils or county commissioners) of Code Home Rule counties and the State Legislature have the legal authority to ban self-service tobacco displays. MD Code, Art. 25A, § 5 (2001). There is no state-wide ban on self-service tobacco displays to date. Self-service tobacco displays are prohibited in 10 local jurisdictions: Baltimore City, Carroll County, Charles County, Garrett County, Howard County, Kent County, Montgomery County, Prince George’s County, Talbot County, and Wicomico County. MD Code, Art. 24, § 15-102 (2005); Baltimore City Code, Health § 12-401, et seq.; Charles County Code, § 127-1 to 6; Howard County Code, § 12.1200 et seq.; Kent County Code, § 156-3; Montgomery County Code, § 24-9D; Prince George’s County Code, § 12-203; Talbot County Code, § 159-12 to 15; Wicomico County Code, § 135-9 to 12.

► Restrict Internet Sales and Distribution
The State Legislature has the legal authority to restrict Internet sales and has passed such a prohibition. Cigarette retailers are prohibited from selling or shipping directly to a consumer cigarettes ordered via phone, mail, or other electronic media. A licensed retailer or his employee may personally deliver up to two cartons of cigarettes. MD Code, Bus. Reg. §§ 16-222 (1999) & 16-223 (2005).

► Levy Taxes
The State Legislature has the legal authority to levy taxes on cigarettes and other tobacco
products. MD Code, Tax-General, § 12-105 (2007) sets the tax rate for cigarettes and other tobacco products. Counties, municipal corporations, special taxing districts, or other political subdivisions of the state are prohibited from imposing a tax on cigarettes but not other tobacco products. MD Code, Tax-General, § 12-102 (2004).

**Enforcement:**
The State Comptroller has the authority to enforce tax levies on tobacco products. MD Code, Tax-General, § 12-306 (1999).

► **License Retailers**
Every cigarette retailer (including cigarette vending machine operators) is required to have a state and county license for each location where cigarettes are being sold. MD Code, Business Regulation, §§ 16-202 (1997), 16-301 (1992), 16-308 (1992). The Clerk of the Circuit Court for the county with appropriate jurisdiction has the legal responsibility to issue the appropriate tobacco licenses to retailers who apply and meet the statutory requirements. MD Code, Business Regulation, § 16-205 (1994). The State Comptroller has the legal authority over the various cigarette licenses that may be issued. There is no license requirement for retailers selling non-cigarette tobacco products.

► **Revoke Licensure of Retailers**
The State Comptroller has the legal authority to suspend or revoke licensure of tobacco product retailers. MD Code, Business Regulation, § 16-210 (2009).

► **Restrict Advertising and Sponsorship**
Under the Family Smoking Prevention and Tobacco Control Act, the Food and Drug Administration has wide-ranging authority to regulate tobacco product marketing and to restrict tobacco advertising and promotion in the interest of public health. H.R. 1256 (2009). The new legislation allows states to restrict the location, color, size, number and placement of cigarette advertisements and leaves unchanged local and state government power to regulate smokeless tobacco or other tobacco products.

In Maryland, Baltimore City has prohibited cigarette advertising in any publicly visible location except for certain specific exemptions. Baltimore City Code, Zoning § 12-208. While this law has not been challenged and remains part of the City Code, the legality of this law has been called into question by subsequent Supreme Court decisions.

► **Criminalize the Possession or Purchase by Minors**
The State Legislature has the legal authority to criminalize and has criminalized the sale of tobacco to minors. MD Code, Criminal Law, § 10-108 (2003). Five local jurisdictions have also passed local civil laws prohibiting the sale of tobacco products to minors: Baltimore City, Howard County, Kent County, Montgomery County, and Prince George's County. Baltimore City Code, Health § 12-501 et seq., Howard County Code, § 12.1300 et seq., Kent County Code, 156-2, Montgomery County Code, 24-9C, Prince George’s County Code, 12-202.

**Enforcement:**
Only a licensed police officer has the authority to enforce the state law prohibiting the sale of tobacco products to minors. Either the local health department or the local board of license commissioners has been authorized to enforce the local civil laws prohibiting the sale of tobacco to minors in their respective counties.

► **Compliance Checks**
The Maryland Department of Health and Mental Hygiene's Alcohol and Drug Abuse Administration Tobacco Retailer Compliance Division conducts annual, random, and unannounced compliance inspections. These inspections are in addition to, and independent of, local tobacco sales inspections conducted at the discretion of the counties.

► **Collection of Fines**
The Maryland Department of Health and Mental Hygiene collects all fines for penalties collected.

► Distribution of Settlement Money
In Maryland, the State Legislature and the Governor are involved in the decision-making process for the distribution of the tobacco settlement money. MD Code, Health-General, §§ 13-1001 et seq. (2004); MD Code, State Fin. & Procurement § 7-317 (2007). By statute, the Governor is required to budget at least $7 million annually for the Tobacco Use Prevention and Cessation Program, though this amount may be reduced by the General Assembly. MD Code, Health-General, § 13-1015 (2009).

FOR MORE INFORMATION
http://mlis.state.md.us/
► Restrict Smoking in Public Places
Section 31 of Chapter 111 of Mass. General Laws provides broad authority for local boards of health to pass and enforce reasonable health regulations. Tobacco-related regulations have been upheld by the Supreme Judicial Court.

The Home Rule Amendment to the Mass. Constitution authorizes cities and towns to pass ordinances and bylaws relative to health, safety, and welfare. Local laws that address tobacco sales and use have been upheld by the Supreme Judicial Court.

The State Legislature, local boards of health, town meetings, and city councils have the legal authority to restrict smoking in public places such as bars, restaurants, workplaces, etc. MA GEN. LAWS ANN. Ch. 270, § 22 (2008); MA GEN. LAWS ANN. Ch. 111, § 31 (1992).

Enforcement:
Local boards of health, the department of public health, the local inspection department of its equivalent, a municipal government or its agent, and the alcoholic beverages control commission are the primary enforcing agents. MA GEN. LAWS ANN. Ch. 270, § 22 (m)(1) (2004). Others authorized by board of health or municipality to enforce its regulations may enforce local laws on smoking in public places.

► Restrict Vending Machine Sales
The Attorney General (tobacco sales regulations), local boards of health, town meetings, and city councils have the legal authority to restrict the sale of tobacco products through cigarette vending machines. 940 CMR 21.04(4), 22.06 (4), and MA GEN. LAWS ANN. Ch. 111, § 31.

Enforcement:
The Attorney General, local boards of health, or others authorized by the board of health or municipality have the authority to enforce bans on tobacco product sales via vending machines.

► Ban Free Samples and Single Cigarettes
The State Legislature and the Attorney General (Consumer Protection Regulations), local boards of health, town meetings, and city councils have the legal authority to ban free tobacco samples. MA GEN. LAWS ANN. Ch. 94, § 307A; 940 CMR 21.04(1)(b), 22.06(1)(b); and G. L. Ch. 111, §31, Home Rule Amendment.

Enforcement:
The Attorney General and local boards of health have the authority to enforce bans on free tobacco samples and single cigarette sales.

► Ban Self–Service Displays
The Attorney General (tobacco sales regulations), local boards of health, town meetings, and city councils have the legal authority to ban self-service tobacco displays. 940 CMR 21.04(s), 22.06(2); Ch. 111 sec. 31, Home Rule Amendment.

Enforcement:
The Attorney General, local health agents, or others authorized by the board of health or municipality have the authority to enforce bans on self-service tobacco displays.

► Restrict Internet Sales and Distribution
The State Legislature has the legal authority to restrict Internet sales of tobacco. Currently no such legislation exists; however, it is pending. Federal law requires that Internet tobacco retailers who wish to sell their cigarettes in Massachusetts file with the Massachusetts Department of Revenue.

► Levy Taxes
The State Legislature has the legal authority to levy taxes on tobacco products. MA GEN. LAWS ANN. Ch. 64C, §§ 6 (2008); 7B (2008); 7C (1996).

Enforcement:
The Department of Revenue has the authority to enforce tax levies on tobacco products.
License Retailers
The Department of Revenue, local boards of health, town meetings, and city councils have the legal authority to license tobacco product retailers. MA GEN. LAWS ANN. Ch. 62C § 67 (2009); 64C, § 10 (1976); G.L. Ch. 111, §31, Home Rule Amendment.

Enforcement:
The Department of Revenue, local boards of health, town meetings, and city councils have the authority to enforce licensing requirements of tobacco product retailers.

Revoke Licensure of Retailers
The Department of Revenue has the legal authority to revoke licensure of tobacco product retailers. Local boards of health have the legal authority to suspend and/or revoke a local tobacco sales permit.

Enforcement:
Local boards of health have the authority to enforce decisions made to revoke a tobacco products retailer's license.

Restrict Advertising and Sponsorship
Under the Family Smoking Prevention and Tobacco Control Act, the Food and Drug Administration has wide-ranging authority to regulate tobacco product marketing and to restrict tobacco advertising and promotion in the interest of public health. H.R. 1256 (2009). The new legislation allows states to restrict the location, color, size, number and placement of cigarette advertisements and leaves unchanged local and state government power to regulate smokeless tobacco or other tobacco products.

Criminalize the Possession or Purchase by Minors
The State Legislature, local boards of health, town meetings, and city councils have the legal authority to criminalize the possession or purchase whereas the states AGs can enforce and file suit of tobacco products by minors.

Enforcement:
The local District Attorney’s Office, through local police departments, and boards of health have the authority to enforce the criminalization of minors for possession or purchase of tobacco products.

Compliance Checks
Local boards of health, the Attorney General, and the police have the legal authority to conduct random tobacco compliance checks. 940 CMR § 21.04.

Collection of Fines
Local boards of health collect the money from penalties for tobacco control violations and deposit this money into the General Fund of that specific municipality, unless there is a local law that permits the local board of health to retain the funds.

Distribution of Settlement Money
The State Legislature has the authority for the distribution of the tobacco settlement money.

FOR MORE INFORMATION
General Laws of Massachusetts: www.state.ma.us/legis/laws/mgl/index.hm

Code of Massachusetts: www.lawlib.state.ma.us/cmr.html

Cigarette and Tobacco Tax Information: www.dor.state.ma.us/cigarette/cigarette.htm
► Restrict Smoking in Public Places
The Michigan Clean Air Act is found at MI COMP. LAWS ANN. §§ 333.12601, et seq. (1993). In Michigan, local government and the State Legislature have the legal authority to restrict smoking in public places other than restaurants. Smoking in food service establishments is restricted by MI COMP. LAWS ANN. § 333.12905 (1993). Counties, cities, villages, and townships may not regulate smoking in food service establishments. MI COMP. LAWS ANN. § 333.12915 (1983).

Enforcement:
The State Department of Community Health has the authority to enforce restrictions on smoking in public places and may authorize a local health department to enforce restrictions on smoking in public places. MI COMP. LAWS ANN. § 333.12613 (1988).

► Restrict Vending Machine Sales
Tobacco product sales through vending machines are restricted by MI COMP. LAWS ANN. § 750.470 (1998). In Michigan, the State Legislature has the legal authority to restrict the sale of tobacco products through cigarette vending machines. Cities, villages, and townships may enact ordinances to prohibit the placement of cigarette vending machines within their respective borders. Op.Atty.Gen.1990, No. 6665, p. 401, 1990 WL 525942.

Enforcement:
Local health departments have the authority to enforce bans on tobacco product sales via vending machines. MI COMP. LAWS ANN. § 750.470 (1998).

► Ban Free Samples and Single Cigarettes
The State Legislature has the legal authority to ban free tobacco samples and single cigarette sales. Free tobacco product samples to any person under the age of 18 are prohibited. MI COMP. LAWS ANN. § 722.641 (2006). With the exception of retailers at tobacco specialty stores, a person who sells tobacco products at retail shall not sell a cigarette separately from its package. MI COMP. LAWS ANN. § 722.642a (1992).

► Ban Self-Service Displays
Self-service tobacco displays have not been banned to date. The State Legislature has the legal authority to ban self-service tobacco displays.

► Restrict Internet Sales and Distribution
The State Legislature has the legal authority to restrict Internet sales. Restrictions on Internet sales are found at MI COMP. LAWS ANN. §§ 205.428 (2008) & 205.431 (2004).

► Levy Taxes
The Michigan Tobacco Products Tax Act is found at MI COMP. LAWS ANN. §§ 205.421, et seq. (1993). In Michigan, the State Legislature has the legal authority to levy taxes on tobacco products.

Enforcement:
The Revenue Commissioner has the legal authority to administer the Tobacco Products Tax Act. The Commissioner may appoint any revenue division employee as a special investigator who has the power to arrest a person violating this act. MI COMP. LAWS ANN. § 205.433 (1995).

► License Retailers
The State Legislature has the legal authority to license tobacco product retailers but has not done so to date. In Michigan, manufacturers, wholesalers, and vending machine operators must be licensed to sell tobacco products. MI COMP. LAWS ANN. § 205.423 (1997). Beginning March 15, 1994, cities, townships, villages, counties, other local units of government, or political subdivisions of Michigan are prohibited from imposing any new restrictions or prohibitions pertaining to the licensure of tobacco products for distribution purposes. Any requirements or prohibitions existing prior to March 15, 1994 are not invalidated. MI COMP. LAWS ANN. § 205.434 (1993).
► Revoke Licensure of Retailers
The Department of Treasury has the legal authority to revoke licensure of tobacco product manufacturers, wholesalers, and vending machine operators. MI COMP. LAWS ANN. § 205.425 (1997).

► Restrict Advertising and Sponsorship
Under the Family Smoking Prevention and Tobacco Control Act, the Food and Drug Administration has wide-ranging authority to regulate tobacco product marketing and to restrict tobacco advertising and promotion in the interest of public health. H.R. 1256 (2009). The new legislation allows states to restrict the location, color, size, number and placement of cigarette advertisements and leaves unchanged local and state government power to regulate smokeless tobacco or other tobacco products.

Lorrillard Tobacco Co., et al v. Thomas F. Reilly, Attorney General of Massachusetts, et al., 533 U.S. 525, 121 S.Ct. 2404 (2001). Local units of government and the State Legislature have the legal authority to restrict the advertising of other tobacco products. In Michigan, only outdoor sign advertisements for smokeless tobacco are restricted. MI COMP. LAWS ANN. § 750.42a (1988). Ordinances, regulations, or other laws enacted by a local unit of government shall not require a warning statement, format, or type style other than those required by § 750.42a.

► Criminalize the Possession or Purchase by Minors

Enforcement:
Local and state law enforcement has the authority to enforce the criminalization of minors for possession or purchase of tobacco products.

► Compliance Checks
Local and state law enforcement and FDA commissioned officers have the legal authority to conduct random tobacco compliance checks.

► Collection of Fines
The State Legislature has the legal authority to control and distribute money collected from tobacco control violations.

► Distribution of Settlement Money
The 21st Century Jobs Trust Fund was established in the Department of Treasury. This fund consists of donations and the net proceeds of the sale of tobacco settlement revenues to the tobacco settlement finance authority. The state treasurer shall direct the investment of the fund. MI COMP. LAWS ANN. § 12.257 (2009). The Michigan Merit Award Trust Fund was established in the Department of Treasury. Tobacco settlement revenue not sold to the Tobacco Settlement authority is allocated to this fund. The state treasurer directs the investment of the fund. MI COMP. LAWS ANN. § 12.259 (2005). Upon appropriation, the state treasurer disburses these funds for educational purposes. MI COMP. LAWS ANN. § 12.260 (2005).

FOR MORE INFORMATION
www.lib.umich.edu/govdocs/michlaw
► Restrict Smoking in Public Places

► Restrict Vending Machine Sales
The State Legislature and local government have the legal authority to restrict the sale of tobacco products through cigarette vending machines. MN ST § 461.19 (1997). Tobacco product vending machines are prohibited except in facilities that cannot be entered at any time by persons younger than 18 years of age. MN ST § 461.18 (1997).

► Ban Free Samples and Single Cigarettes
The State Legislature has the legal authority to ban free tobacco samples and single cigarette sales. In Minnesota, free tobacco samples are banned except that single serving samples of tobacco may be distributed in tobacco stores. MN ST § 325F.77 (1987). There is no outright ban on single cigarette sales but it is unlawful for any person to sell any cigarettes the package of which does not comply with all requirements imposed by federal law. MN ST § 325D.421 (2000).

Enforcement:
The Attorney General has the legal authority to enforce the ban on free tobacco samples. MN ST § 325F.78 (1986).

► Ban Self-Service Displays
The State Legislature and local government have the legal authority to ban self-service tobacco displays. MN ST § 461.19 (1997). Self-service displays of single packages of cigarettes and smokeless tobacco which are accessible to the public without the intervention of a store employee are prohibited. MN ST § 461.18 (1997).

► Restrict Internet Sales and Distribution
The State Legislature has the legal authority to restrict Internet sales. Restrictions on Internet sales are found at MN ST § 325F.781 (2005). These restrictions include age verification requirements and delivery requirements.

Enforcement:
The Attorney General has the legal authority to enforce the restrictions on Internet sales of tobacco products. MN ST § 325F.781 (2005).

► Levy Taxes
The State Legislature has the legal authority to levy taxes on tobacco products. In Minnesota, the Cigarette and Tobacco Taxes Act is found at MN ST §§ 297F.01 et seq. (2008). In addition, a tobacco health impact fee is imposed and collected from distributors to recover state health costs related to tobacco use and to reduce tobacco use. MN ST § 256.9658 (2005).

Enforcement:
The State Commissioner of Revenue has the legal authority to enforce tax levies on tobacco products. MN ST § 297F.02 (2005).

► License Retailers
The State Legislature, county boards, town boards, and governing boards of home rule charter or statutory cities have the legal authority to license tobacco product retailers. MN ST § 461.12 (2001). The Regulation of Cigarette Licenses statute is found at MN ST §§ 461.12, et seq. (2001). Local ordinances that provide for more restrictive regulation are not preempted. MN ST § 461.19 (1997). Distributors, but not retailers, must obtain a license from the state Commissioner of Revenue to sell tobacco products. MN ST § 297F.03 (1997).

► Revoke Licensure of Retailers
County boards, town boards, and governing boards of home rule charter or statutory cities have the legal authority to suspend licensure of tobacco product retailers. MN ST § 461.12 (2001).
► Restrict Advertising and Sponsorship
Under the Family Smoking Prevention and Tobacco Control Act, the Food and Drug Administration has wide-ranging authority to regulate tobacco product marketing and to restrict tobacco advertising and promotion in the interest of public health. H.R. 1256 (2009). The new legislation allows states to restrict the location, color, size, number and placement of cigarette advertisements and leaves unchanged local and state government power to regulate smokeless tobacco or other tobacco products.

► Criminalize the Possession or Purchase by Minors
The State Legislature has the legal authority to criminalize and has criminalized the possession or purchase of tobacco products by minors. Local ordinances may provide alternative remedies for minors convicted of these violations. MN ST § 609.685 (2000).

► Compliance Checks
The local licensing authority has the legal authority and is legally required to conduct random tobacco compliance checks. MN ST § 461.12 (2001).

► Collection of Fines
The State Legislature has the legal authority to collect and distribute money collected from tobacco control violations.

► Distribution of Settlement Money
The State Health Department and the State Legislature are involved in the decision-making process for the distribution of the tobacco settlement money. MN ST § 144.396 (2008).

FOR MORE INFORMATION
www.leg.state.mn.us/leg/statutes.htm
► Restrict Smoking in Public Places
The State Legislature and local government have the legal authority to restrict smoking in public places such as bars, restaurants, workplaces, etc. Smoking is prohibited in state office buildings except in designated smoking areas. MS ST § 29-5-161 (2007). This section preempts to the state the regulation of smoking in state office buildings and supersedes any municipal or county ordinance. MS ST § 29-5-161(5) (2007). Use of tobacco products on any educational property is prohibited. MS ST § 97-32-29 (2000).

► Ban Self-Service Displays
The State Legislature has the legal authority to ban self-service tobacco displays but has not done so to date.

► Restrict Internet Sales and Distribution
The State Legislature has the legal authority to restrict Internet sales but has not done so to date.

► Levy Taxes
The State Legislature has the legal authority to levy taxes on tobacco products. The Tobacco Tax Law is found at MS ST §§ 27-69-1 et seq. (1934). The tax set on tobacco products is found at MS ST § 27-69-13(a) (2009).

Enforcement:
The Chairman of the State Tax Commission and his/her authorized agents and employees have the legal authority to enforce the payment of taxes. MS ST § 27-69-65 (1934). It is the duty of the peace officers of the state, counties, municipalities, and county districts to assist in the enforcement of the tax law. MS ST § 27-69-67 (1936).

► License Retailers
The State Legislature has the legal authority to license tobacco product retailers. Retailers must obtain a license to sell cigarettes. A separate license is required for each place of business. MS ST § 75-23-27 (1954). A permit to sell tobacco must be obtained for each place of business owned or operated by a retailer. MS ST § 27-69-5 (1998).

Enforcement:
The State Tax Commission has the authority to enforce license requirements of tobacco product retailers.

► Revoke Licensure of Retailers
The Chairman of the State Tax Commission has the legal authority to revoke permits of tobacco product retailers. MS ST § 27-69-9 (2005).
Restrict Advertising and Sponsorship
Under the Family Smoking Prevention and Tobacco Control Act, the Food and Drug Administration has wide-ranging authority to regulate tobacco product marketing and to restrict tobacco advertising and promotion in the interest of public health. H.R. 1256 (2009). The new legislation allows states to restrict the location, color, size, number and placement of cigarette advertisements and leaves unchanged local and state government power to regulate smokeless tobacco or other tobacco products.

Criminalize the Possession or Purchase by Minors
The State Legislature has the legal authority to criminalize the possession or purchase of tobacco products by minors. The Mississippi Juvenile Tobacco Access Prevention Act of 1997 is found at MS ST §§ 97-32-1 et seq. (1997). The provisions of this act supersede any existing or subsequently enacted local law, ordinance, or regulation relating to the sale, promotion, and distribution of tobacco and tobacco products. MS ST § 97-32-2 (1998).

Compliance Checks
The Office of Attorney General and local law enforcement agencies have the legal authority to enforce random tobacco compliance checks. MS ST § 97-32-21 (1997).

Collection of Fines
The State Legislature controls and distributes the money collected from penalties for tobacco control violations.

Distribution of Settlement Money
The State Legislature is involved in the decision making process for the distribution of the tobacco settlement money. The Health Care Trust Fund was created by MS ST § 43-13-407 (2009) to receive the annual settlement payments. The Health Care Expendable Fund was created by MS ST § 43-13-407 (2009) to receive money transferred from the Health Care Trust Fund.

FOR MORE INFORMATION
www.mscode.com/free/statutes/toc.htm
► Restrict Smoking in Public Places
The Indoor Clean Air Act is found at MO REV. STAT. §§ 191.765 et seq. (1992). The State Legislature, local political subdivisions, and local boards of education have the legal authority to restrict smoking in public places such as bars, restaurants, workplaces, etc. MO REV. STAT. § 191.777 (1992).

► Restrict Vending Machine Sales
Tobacco product sales through vending machines are restricted by MO REV. STAT. §§ 407.927 & 407.931 (2001). In Missouri, the State Legislature and local political subdivisions have the legal authority to restrict the sale of tobacco products through cigarette vending machines. MO REV. STAT. § 407.932 (1992).

Enforcement:
The Division of Liquor Control within the Department of Public Safety has the legal authority to enforce the restrictions on tobacco product sales through vending machines. MO REV. STAT. § 407.924 (2001).

► Ban Free Samples and Single Cigarettes
The State Legislature and local political subdivisions have the legal authority to ban free tobacco samples and single cigarette sales. MO REV. STAT. § 407.932 (1992). There is no statewide ban on free tobacco samples; however, free tobacco samples to minors are prohibited. MO REV. STAT. § 407.931 (2001). The sale of single cigarettes is prohibited. MO REV. STAT. § 407.931 (2001).

► Ban Self-Service Displays
The State Legislature and local political subdivisions have the legal authority to ban self-service tobacco displays. MO REV. STAT. § 407.932 (1992). No person may sell individual packs of cigarettes or smokeless tobacco products unless it is displayed behind the checkout counter or it is in the unobstructed line of sight of the clerk or attendant from the checkout counter. MO REV. STAT. § 407.928 (2001).

► Restrict Internet Sales and Distribution
The State Legislature and local political subdivisions have the legal authority to regulate Internet sales of tobacco products. MO REV. STAT. 407.932 (2001). In Missouri, the sale of tobacco products to minors through the Internet is prohibited. MO STAT. REV. § 407.926 (2001).

► Levy Taxes
The State Legislature has the legal authority to levy taxes on tobacco products. The State Legislature preempts the entire field of legislation increasing the taxation of cigarettes and other tobacco products. No local political subdivision may adopt any order, ordinance, or regulation increasing the tax levied on cigarettes and other tobacco products. MO REV. STAT. § 149.192 (1993). MO REV. STAT. § 149.015 (2005) imposes a tax and sets the tax rate on cigarettes. MO REV. STAT. § 149.160 (1993) imposes a tax and sets the tax rate on other tobacco products.

► License Retailers
The Department of Revenue has the legal authority to license tobacco product retailers. MO REV. STAT. § 407.934 (2001).

► Revoke Licensure of Retailers
The Division of Liquor Control within the Department of Public Safety has the legal authority to suspend licensure of tobacco product retailers. MO REV. STAT. 407.931 (2001). There are no laws regarding revocation of retailer’s license to date.
Restrict Advertising and Sponsorship
Under the Family Smoking Prevention and Tobacco Control Act, the Food and Drug Administration has wide-ranging authority to regulate tobacco product marketing and to restrict tobacco advertising and promotion in the interest of public health. H.R. 1256 (2009). The new legislation allows states to restrict the location, color, size, number and placement of cigarette advertisements and leaves unchanged local and state government power to regulate smokeless tobacco or other tobacco products.

Criminalize the Possession or Purchase by Minors
The State Legislature has the legal authority to criminalize the possession or purchase of tobacco products by minors. MO REV. STAT. § 407.932 (1992). The purchase or possession of tobacco products by a person less than 18 years of age is prohibited unless such possession is in the course of employment. MO REV. STAT. § 407.932 (1992).

Compliance Checks
The Division of Liquor Control and local law enforcement have the legal authority to conduct random tobacco compliance checks. MO REV. STAT. § 407.934 (2001).

Collection of Fines
The State Legislature controls and distributes the money collected from penalties for tobacco control violations.

Distribution of Settlement Money
The State Legislature is involved in the decision making process for the distribution of the tobacco settlement money. The Tobacco Settlement Financing Authority Act is found at MO REV. STAT. §§ 8.500 et seq. (2002).

FOR MORE INFORMATION
www.moga.state.mo.us/homestat.htm
The State Legislature has the legal authority to restrict smoking in public places such as bars, restaurants, workplaces, etc. The Montana Clean Indoor Air Act is found at MT ST §§ 50-40-101 et seq. (2005). The provisions of the Montana Clean Indoor Air Act preempt adoption of an ordinance or regulation by a political subdivision that is stricter than this Act. MT ST § 50-40-120 (2005). This preemption provision expires September 30, 2009.

**Enforcement:**
The Department of Public Health and Human Services and local boards of health have the legal authority to enforce the provisions of the Clean Indoor Air Act. MT ST § 50-40-108 (2005).

**Restrict Vending Machine Sales**
The State Legislature and the Department of Revenue have the legal authority to restrict the sale of tobacco products through cigarette vending machines. MT ST § 16-11-312 (1993). Restrictions on tobacco product sales through vending machines are found at MT ST § 16-11-306 (1997). A local government may not adopt ordinances and regulations more stringent than these restrictions. MT ST § 16-11-311 (1993).

**Ban Free Samples and Single Cigarettes**
The State Legislature has the legal authority to ban free tobacco samples and single cigarette sales. Local governments are preempted from enacting stricter ordinances. MT ST § 16-11-311 (1993). There is no outright ban on tobacco samples but free tobacco samples to minors are prohibited. MT ST 16-11-305 (1993). Single cigarettes may not be sold. MT ST 16-11-307 (2001).

**Enforcement:**
The Department of Revenue has the authority to enforce bans on free tobacco samples and single cigarette sales. MT ST § 16-11-308 (2001).

**Ban Self-Service Displays**
The State Legislature has the legal authority to ban self-service tobacco displays but has not done so to date.

**Restrict Internet Sales and Distribution**
The State Legislature has the legal authority to regulate Internet sales of tobacco products. Restrictions on Internet sales are found at MT ST § 16-11-128 (2005).

**Enforcement:**
The Attorney General, a designee of the Attorney General, or any person who holds a permit under 26 U.S.C. 5713 has the legal authority to enforce the restrictions on Internet sales. MT ST § 16-11-129 (2005).

**Levy Taxes**
The State Legislature has the legal authority to levy taxes on tobacco products. MT ST § 16-11-111 (2005) imposes a tax and sets the tax rate on tobacco products.

**Enforcement:**
The Department of Revenue and the Department of Justice have the authority to enforce tax levies on tobacco products. MT ST §§ 16-11-103 (2005) & 16-11-141 (2005). The Department of Justice may call to its assistance any county attorney or any peace officer to assist in enforcement. MT ST 16-11-142 (2005).

**License Retailers**

**Enforcement:**
The Department of Revenue and the Department of Justice has the authority to enforce licensing requirements of tobacco product retailers. MT ST 16-11-103 (2005).
Revoke Licensure of Retailers
The Department of Revenue has the legal authority to revoke licensure of tobacco product retailers. MT ST § 16-11-144 (2005).

Restrict Advertising and Sponsorship
Under the Family Smoking Prevention and Tobacco Control Act, the Food and Drug Administration has wide-ranging authority to regulate tobacco product marketing and to restrict tobacco advertising and promotion in the interest of public health. H.R. 1256 (2009). The new legislation allows states to restrict the location, color, size, number and placement of cigarette advertisements and leaves unchanged local and state government power to regulate smokeless tobacco or other tobacco products.

Criminalize the Possession or Purchase by Minors
The State Legislature has the legal authority to criminalize and has criminalized the possession or purchase of tobacco products by minors. MT ST § 45-5-637 (2001).

Compliance Checks
The Department of Public Health and Human Services has the legal authority to conduct compliance inspections. MT ST §16-11-309 (1995).

Collection of Fines
According to MCA § 42.31.345, the Department of Revenue collects the penalties for tobacco control violations. MT ST § 16-11-308 (2001).

Distribution of Settlement Money
Ballot Initiative 146 (2002), approved by voters, designated how the MSA payments would be allocated. The State Legislature retained the authority to override these allocations.

FOR MORE INFORMATION
Local government and the State Legislature have the legal authority to restrict smoking in public places such as bars, restaurants, workplaces, etc. The Nebraska Clean Indoor Act is found at NE ST §§ 71-5716 et seq. (2009). Effective June 1, 2009, smoking is prohibited in all workplaces, restaurants, and bars. NE ST § 71-5729 (2009).

**Enforcement:**
Effective June 1, 2009, the Department of Health and Human Services or the local health department have the authority to enforce restrictions on smoking in public places. NE ST § 71-5732 (2009).

**Restrict Vending Machine Sales**
The State Legislature, cities, and villages have the legal authority to restrict the sale of tobacco products through cigarette vending machines. NE ST § 28-1429.02 (1992). It is unlawful to dispense tobacco products from vending machines unless such machine is located in an area which is not open to the general public or in any establishment with a liquor license for consumption on the premises when such machine is located in the same room where the liquor is dispensed. NE ST § 28-1429.02 (1992).

**Ban Free Samples and Single Cigarettes**
The State Legislature has the legal authority to ban free tobacco samples and single cigarette sales. In Nebraska, free tobacco samples to individuals under the age of 18 are prohibited. NE ST § 28-1419 (1975). Free samples of smokeless tobacco are prohibited. NE ST §§ 69-1901 et seq. (1989). It is unlawful to sell any cigarettes that do not comply with all packaging requirements imposed by federal law. NE ST § 59-1520 (2001).

**Ban Self-Service Displays**
The State Legislature has the legal authority to ban self-service tobacco displays but has not done so to date.

**Restrict Internet Sales and Distribution**
The State Legislature has the legal authority to restrict Internet sales of tobacco products but has not done so to date.

**Levy Taxes**
The State Legislature has the legal authority to levy taxes on tobacco products. NE ST § 77-2602 (2007) imposes a tax and sets the tax rate on cigarettes. NE ST § 77-4008 (2009) imposes a tax and sets the tax rate on other tobacco products.

**License Retailers**
The clerk or finance director of any city or village, the county clerk, the Tax Commissioner, and the State Legislature have the legal authority to license tobacco product retailers. NE ST §§ 28-1421 (1993) & 77-4009 (1993).

**Revoke Licensure of Retailers**
Local court, the Tax Commissioner, and the State Legislature have the legal authority to revoke licensure of tobacco product retailers. NE ST §§ 28-1425 (1975) & 77-4012 (1987).

**Restrict Advertising and Sponsorship**
Under the Family Smoking Prevention and Tobacco Control Act, the Food and Drug Administration has wide-ranging authority to regulate tobacco product marketing and to restrict tobacco advertising and promotion in the interest of public health. H.R. 1256 (2009). The new legislation allows states to restrict the location, color, size, number and placement of cigarette advertisements and leaves unchanged local and state government power to regulate smokeless tobacco or other tobacco products.
► Criminalize the Possession or Purchase by Minors
The State Legislature has the legal authority to criminalize and has criminalized the use or purchase of tobacco products by minors. NE ST §§ 28-1418 (1975) & 28-1419 (1975).

► Compliance Checks
The Nebraska Department of Health and Human Services contracts with the Nebraska State Patrol to conduct random, unannounced tobacco compliance checks.

► Collection of Fines
The State Legislature has the legal authority to control and distribute money received for tobacco control violations.

► Distribution of Tobacco Settlement Money
The State Legislature created The Nebraska Settlement Trust Fund which receives any settlement payments received in connection with any tobacco-related litigation except for $2.5 million which shall be credited annually to the Tobacco Prevention and Control Fund. NE ST § 71-7608 (2009).

FOR MORE INFORMATION
http://uniweb.legislature.ne.gov/QS/laws.html
The State Legislature and local government have the legal authority to restrict smoking in public places such as bars, restaurants, workplaces, etc. The Clean Indoor Air Act is found at Title 15, Chapter 202 of Nevada Revised Statutes as amended by Ballot Initiative, Question No. 5. NRS §§ 202.2483 et seq. (2006).

**Enforcement:**
The health authorities, police officers of cities or towns, sheriffs and their deputies, and other peace officers, within their respective jurisdictions, enforce the restrictions on smoking in public places. NRS § 202.249 (2003).

**Restrict Vending Machine Sales**
The State Legislature has the legal authority to restrict the sale of tobacco products through cigarette vending machines. Restrictions on tobacco product sales through vending machines are found at NRS § 202.2494 (2003).

**Enforcement:**
Police officers of cities and towns, sheriffs and their deputies, and other peace officers have the authority to enforce any restrictions on tobacco product sales through vending machines. NRS § 202.249 (2003).

**Ban Free Samples and Single Cigarettes**
The State Legislature has the legal authority to ban free tobacco samples and single cigarette sales. Free tobacco samples to minors are prohibited. NRS § 202.2493 (2007). Cigarettes shall not be sold in any form other than in an unopened package which originated with the manufacturer and bears all health warnings required by federal law. NRS § 202.2493 (2007).

**Ban Self-Service Displays**
The State Legislature has the legal authority to ban self-service tobacco displays. Cigarette self-service displays are prohibited in all retail establishments where a retailer does not assist the customer. NRS § 202.2493 (7) (2007).

**Restrict Internet Sales and Distribution**
The State Legislature has the legal authority to restrict the sale of tobacco products over the Internet. Restrictions on Internet sales are found at NRS § 202.24935 (2007), NRS § 370.323 (2005), and NRS § 370.325 (2005).

**Levy Taxes**
The State Legislature has the legal authority to levy taxes on tobacco products. NRS § 370.165 (2003) imposes a tax and sets the tax rate on cigarettes. NRS § 370.450 (2008) imposes a tax and sets the tax rate on other tobacco products.

**License Retailers**
The Department of Taxation has the legal authority to license tobacco product retailers. NRS § 370.080 (2005).

**Revoke Licensure of Retailers**
The Department of Taxation has the legal authority to revoke licensure of tobacco product retailers. NRS § 370.250 (2005).

**Restrict Advertising and Sponsorship**
Under the Family Smoking Prevention and Tobacco Control Act, the Food and Drug Administration has wide-ranging authority to regulate tobacco product marketing and to restrict tobacco advertising and promotion in the interest of public health. H.R. 1256 (2009). The new legislation allows states to restrict the location, color, size, number and placement of cigarette advertisements and leaves unchanged local and state government power to regulate smokeless tobacco or other tobacco products.
► Criminalize the Possession or Purchase by Minors

The State Legislature has the legal authority to criminalize the possession or purchase of tobacco products by minors. Restrictions on the sale of tobacco products to minors are found at NRS §§ 202.2493 et seq. (2007).

► Compliance Checks

The Attorney General has the legal authority to conduct random tobacco compliance checks. NRS § 202.2496 (1995).

► Collection of Fines

The State Legislature controls and distributes the money collected from penalties for tobacco control violations. Money recovered as a civil penalty must be deposited in a separate account in the state general fund to be used for enforcement of NRS §§ 202.2493 (2007) & 202.2494 (2003).

► Distribution of Settlement Money

The State Legislature and the Governor are involved in the decision-making process for the distribution of the tobacco settlement money. NRS §§ 439.620 et seq. (2007) creates the Fund for a Healthy Nevada which receives 50% of the annual MSA payments.

FOR MORE INFORMATION
www.leg.state.nv.us/law1.cfm
The State Legislature has the legal authority to restrict smoking in public places such as bars, restaurants, workplaces, etc. The Indoor Smoking Act is found at NH ST § 155:64 et seq. (2007). This state law preempts local ordinances regarding indoor smoking more stringent than state law. J.T.R. Colebrook, Inc. v. Town of Colebrook, 149 N.H. 767, 829 A.2d 1089 (2003). As of 2007, all restaurants and bars in New Hampshire are smoke-free. NH ST § 155:66 (2007).

**Enforcement:**
The state, county, city, or town police have the legal authority to enforce the Indoor Smoking Act. NH ST § 155:76 (2008).

► **Restrict Vending Machine Sales**
The State Legislature has the legal authority to restrict the sale of tobacco products through cigarette vending machines. As of January 1, 2009 all restrictions on vending machines were repealed.

► **Ban Free Samples and Single Cigarettes**
The State Legislature has the legal authority to ban free tobacco samples and single cigarette sales. Free samples of tobacco products to minors are prohibited. NH ST § 126-K:4 (2001). Free samples of tobacco products are prohibited except in an area to which minors are denied access or in a store to which a retailer's license has been issued. NH ST § 126-K:5 (2001). The sale of single cigarettes is prohibited. NH ST § 126-K:8 (2001).

**Enforcement:**
The Liquor Commission and local, county, and state law enforcement officers have the legal authority to enforce the restrictions on free tobacco samples and single cigarette sales. NH ST § 126-K:9 (1997).

► **Ban Self-Service Displays**
The State Legislature has the legal authority to ban self-service tobacco displays but has not done so to date.

► **Restrict Internet Sales and Distribution**
The State Legislature has the legal authority to restrict Internet sales but has not done so to date.

► **Levy Taxes**
The State Legislature has the legal authority to levy taxes on tobacco products. NH ST § 78:7 (2009) imposes a tax and sets the tax rate on cigarettes. NH ST § 78:7-c (2009) imposes a tax and sets the tax rate on other tobacco products.

► **License Retailers**
The Commissioner of Revenue Administration has the legal authority to license tobacco product retailers. NH ST § 78:2 (2008).

► **Revoke Licensure of Retailers**
The Commissioner of Revenue Administration has the legal authority to revoke licensure of tobacco product retailers. NH ST § 78:6 (2008).

► **Restrict Advertising and Sponsorship**
Under the Family Smoking Prevention and Tobacco Control Act, the Food and Drug Administration has wide-ranging authority to regulate tobacco product marketing and to restrict tobacco advertising and promotion in the interest of public health. H.R. 1256 (2009). The new legislation allows states to restrict the location, color, size, number and placement of cigarette advertisements and leaves unchanged local and state government power to regulate smokeless tobacco or other tobacco products.
► Criminalize the Possession or Purchase by Minors
The State Legislature, and any county, city, town, village, or other subdivision of the state have the legal authority to criminalize the possession or purchase of tobacco products by minors. NH ST § 126-K:14 (1997). The purchase or possession of tobacco products by minors is prohibited. NH ST § 126-K:6 (1997).

► Compliance Checks
The Liquor Commission and local, county, and state law enforcement officers have the legal authority to conduct random tobacco compliance checks. NH ST § 126-K:9 (1997).

► Collection of Fines
All fines imposed by any court and collected shall be paid to the state, county, or town which initiated the prosecution. All fines imposed by the Liquor Commission are deposited in the General Fund. NH ST § 126-K:11 (1997).

► Distribution of Settlement Money
The State Legislature is involved in the decision making process for the distribution of the tobacco settlement money.

FOR MORE INFORMATION
www.nh.gov/government/laws.html
Restrict Smoking in Public Places
The New Jersey Smoke-Free Air Act is found at NJSA §§ 26:3D-55 et seq. (2008). The State Legislature and municipal government have the legal authority to restrict smoking in workplaces, and in public places such as bars, restaurants, non-gaming casino areas, hotels, schools, common areas of residential buildings, etc. NJSA § 26:3D-63 (2008).

Enforcement:
The Department of Health and Senior Services and local boards of health have the authority to enforce restrictions on smoking in public places. NJSA § 26:3D-62 (2008).

Restrict Vending Machine Sales
The State Legislature and municipalities have the legal authority to restrict the sale of tobacco products through cigarette vending machines. NJSA § 2A:170-51.2 (2000). Cigarette vending machines are required to have a sign stating that "a person who sells or offers to sell a tobacco product to a person less than 19 years of age shall pay a penalty of up to $1,000 and may be subject to a license suspension or revocation." NJSA § 54:40A-4.1 (2005).

Enforcement:
The Director of the Division of Taxation in the Department of Treasury has the authority to enforce restrictions on tobacco product sales through vending machines. NJSA § 54:40A-20 (1948).

Ban Free Samples and Single Cigarettes
The State Legislature has the legal authority to ban free tobacco samples and single cigarette sales. Free tobacco samples to a person under the age of 19 are prohibited. NJSA § 2A:170-51.4 (2005). Single cigarette sales and the sale of cigarettes in packs of fewer than 20 cigarettes are banned. NJSA § 54:40A-4.2 (2004).

Ban Self-Service Displays
There is no statewide ban on self-service tobacco displays to date. The State Legislature and municipalities have the legal authority to ban self-service tobacco displays. NJSA § 40:48-2 (1991).

Restrict Internet Sales and Distribution
The State Legislature has the legal authority to restrict the Internet sale of tobacco products. Restrictions on Internet sales are found at NJSA § 54:40A-49 (2005).

Levy Taxes
The State Legislature has the legal authority to levy taxes on tobacco products. NJSA § 54:40A-8 (2009) imposes a tax and sets the tax rate on cigarettes. NJSA § 54:40B-3 (2006) imposes a tax and sets the tax rate on other tobacco products.

Enforcement:
The Director of the Division of Taxation in the Department of Treasury has the authority to enforce tax levies on cigarettes and other tobacco products. NJSA § 54:40A-20 (1948) and NJSA § 54:40B-12 (2001).

License Retailers
The Director of the Division of Taxation in the Department of Treasury has the legal authority to license tobacco product retailers. NJSA § 54:40A-3 (1952).

Enforcement:
The Director of the Division of Taxation in the Department of Treasury has the authority to enforce the licensing requirements of tobacco product retailers.

Revoke Licensure of Retailers
The Director of the Division of Taxation in the Department of Treasury has the legal authority to revoke licensure of tobacco product retailers. NJSA § 54:40A-5 (1979).
Restrict Advertising and Sponsorship
Under the Family Smoking Prevention and Tobacco Control Act, the Food and Drug Administration has wide-ranging authority to regulate tobacco product marketing and to restrict tobacco advertising and promotion in the interest of public health. H.R. 1256 (2009). The new legislation allows states to restrict the location, color, size, number and placement of cigarette advertisements and leaves unchanged local and state government power to regulate smokeless tobacco or other tobacco products.

Any advertisement from an out-of-state cigarette dealer must state, "Before any person may receive cigarettes in New Jersey by mail or express, a license for that purpose must be obtained from the Division of Taxation, New Jersey Department of the Treasury." NJSA § 54:40A-44 (1950).

Criminalize the Possession or Purchase by Minors
The State Legislature has the legal authority to criminalize the possession or purchase of tobacco products by minors but has not done so to date. The sale or distribution of cigarettes and other tobacco products to any person under the age of 19 is prohibited. NJSA § 2A:170-51.4 (2005).

Compliance Checks
The Commissioner of Health and Senior Services makes grants to local health agencies to conduct random tobacco compliance checks. NJSA § 26:2F-7 (2005). The Commissioner of Health and Senior Services has the authority to enforce random tobacco compliance checks and may delegate this authority to local health agencies. NJSA § 26:3A2-20.1 (2005).

Collection of Fines
The penalties paid for tobacco control violations are paid into the treasury of the municipality in which the violation occurred for the general uses of the municipality. NJSA § 2A:170-51.4 (2005).

Distribution of Settlement Money
The State Legislature and the State Treasurer are involved in the decision-making process for the distribution of the tobacco settlement money. The Tobacco Settlement Financing Act is found at NJSA §§ 52:18B-1 et seq. (2002). The money has been securitized; therefore, it is no longer being distributed.

FOR MORE INFORMATION
http://www.njleg.state.nj.us/
http://www.njgasp.org

**Enforcement:**
The local fire, police, or sheriff’s department with appropriate jurisdiction over the location where a violation occurs has authority to enforce smoking restrictions. NM ST § 24-16-16 (2007).

**Restrict Smoking in Public Places**
The State Legislature, municipalities, and counties have the legal authority to prohibit the sale of tobacco products through cigarette vending machines. NM ST § 30-49-11 (1993). Restrictions on the sale of tobacco products through vending machines are found at NM ST § 30-49-7 (2003).

**Restrict Vending Machine Sales**
The State Legislature, municipalities, and counties have the legal authority to prohibit the sale of tobacco products through cigarette vending machines. NM ST § 30-49-11 (1993). Restrictions on the sale of tobacco products through vending machines are found at NM ST § 30-49-7 (2003).

**Ban Free Samples and Single Cigarettes**
The State Legislature, municipalities, and counties have the legal authority to ban free tobacco samples and single cigarette sales. NM ST § 30-49-11 (1993). Free samples of tobacco products to minors is prohibited. NM ST §§ 30-49-3(A) (1993) & 30-49-8 (1993). No cigarettes may be sold in a form other than a factory-sealed package. NM ST § 30-49-3(C) (1993).

**Ban Self-Service Displays**
The State Legislature, municipalities, and counties have the legal authority to ban self-service tobacco displays. NM ST § 30-49-11 (1993). In New Mexico, self-service tobacco displays are banned. NM ST § 30-49-7 (2003).

**Restrict Internet Sales and Distribution**
The State Legislature has the legal authority to restrict the Internet sales of tobacco products but has not done so to date.

**Levy Taxes**
The State Legislature has the legal authority to levy taxes on tobacco products. NM ST § 7-12-3 (2007) imposes a tax and sets the tax rate on cigarettes. NM ST § 7-12A-3 (2009) imposes and sets the tax rate on other tobacco products.

**License Retailers**
There are no statewide licensing requirements for tobacco product retailers. The State Legislature, municipalities, and counties have the legal authority to license tobacco product retailers if they so choose. NM ST § 7-12-9.1 (2009).

**Revoke Licensure of Retailers**
The State Legislature, municipalities, and counties would have the legal authority to revoke or suspend licensure of tobacco product retailers.

**Restrict Advertising and Sponsorship**
Under the Family Smoking Prevention and Tobacco Control Act, the Food and Drug Administration has wide-ranging authority to regulate tobacco product marketing and to restrict tobacco advertising and promotion in the interest of public health. H.R. 1256 (2009). The new legislation allows states to restrict the location, color, size, number and placement of cigarette advertisements and leaves unchanged local and state government power to regulate smokeless tobacco or other tobacco products.

In New Mexico, the State Legislature, municipalities, and counties have the legal authority to restrict the advertising of other tobacco products but have not done so to date. NM ST § 30-49-11 (1993).
► Criminalize the Possession or Purchase by Minors
The State Legislature, municipalities, and counties have the legal authority to criminalize the possession or purchase of tobacco products by minors. NM ST § 30-49-11 (1993). The sale of tobacco products to minors is prohibited and no minor may procure or attempt to procure any tobacco products for his/her own use or for use by any other minor. NM ST § 30-49-3 (1993).

► Compliance Checks
The Alcohol and Gaming Division of the Regulation and Licensing Department and appropriate county and municipal law enforcement authorities have the legal authority to conduct random tobacco compliance checks. NM ST § 30-49-10 (1993).

► Collection of Fines
The State Legislature, municipalities, and counties control and distribute the money collected from penalties for tobacco control violations. NM ST § 30-49-11 (1993).

► Distribution of Tobacco Settlement Money
The Tobacco Settlement Revenue Oversight Committee consisting of six members of the State Legislature is involved in the decision-making process for the distribution of the tobacco settlement money. NM ST § 2-19-1 (2000).

FOR MORE INFORMATION
http://legis.state.nm.us/lcs/
The State Legislature, counties, cities, towns, and villages have the legal authority to restrict smoking in public places such as bars, restaurants, workplaces, etc. NY PUB. HEALTH LAW § 1399-r (1989). The Regulation of Smoking in Certain Public Areas is found at NY PUB. HEALTH LAW §§ 1399-n et seq. (2003).

Enforcement:
County boards of health or a designated enforcement officer in counties with no local board of health have the legal authority to enforce the restrictions on smoking in public places. If no enforcement officer is designated, the county is deemed to have designated the Department of Health and Mental Hygiene as its enforcement officer. NY PUB. HEALTH LAW § 1399-t (2003).

► Restrict Vending Machine Sales


Enforcement:
County boards of health or a designated enforcement officer in counties with no local board of health have the legal authority to enforce the restrictions on tobacco product sales through vending machines. If no enforcement officer is designated, the county is deemed to have designated the Department of Health and Mental Hygiene as its enforcement officer. NY PUB. HEALTH LAW §§ 1399-dd (2000) & 1399-t (2003).

► Ban Free Samples and Single Cigarettes

The State Legislature and local government have the legal authority to ban free tobacco samples and single cigarette sales. Free tobacco samples are banned except at private social functions, bars, tobacco businesses, and, when distribution is confined to areas generally accessible to persons over the age of 18, at conventions, trade shows, factories, and tobacco manufacturer sponsored events. NY PUB. HEALTH LAW § 1399-bb (2003). The sale of cigarettes in packages of fewer than 20 cigarettes is prohibited. NY PUB. HEALTH LAW § 1399-gg (2004).

Enforcement:
County boards of health, or a designated enforcement officer in counties with no local board of health, have the legal authority to enforce the restrictions on free tobacco samples and single cigarette sales. If no enforcement officer is designated, the county is deemed to have designated the Department of Health and Mental Hygiene as its enforcement officer. NY PUB. HEALTH LAW §§ 1399-bb (2000) & 1399-t (2003).

► Ban Self-Service Displays

The State Legislature and local government have the legal authority to ban self-service tobacco displays. Self-service tobacco displays are prohibited except for tobacco businesses and places to which admission is restricted to persons 18 years of age or older. NY PUB. HEALTH LAW § 1399-cc (2003).

Enforcement:
County boards of health, or a designated enforcement officer in counties with no local board of health, have the legal authority to enforce the restrictions on self-service tobacco displays. If no enforcement officer is designated, the county is deemed to have designated the Department of Health and Mental Hygiene as its enforcement officer. NY PUB. HEALTH LAW §§ 1399-cc (2000), NY PUB. HEALTH LAW § 1399-t (2003).
► Restrict Internet Sales and Distribution
The State Legislature has the legal authority to restrict Internet sales of tobacco products. Restrictions on the sale of tobacco products over the Internet are found at NY PUB. HEALTH LAW § 1399-ll (2000).

► Levy Taxes
The State Legislature has the legal authority to levy taxes on tobacco products. NY TAX LAW § 471 (2008) imposes a tax and sets the tax rate on cigarettes. NY TAX LAW § 471-b (2008) imposes a tax and sets the tax rate on other tobacco products.

► License Retailers
Tobacco product retailers are not required to be licensed but rather must obtain a certificate of registration. The Commissioner of Department of Taxation and Finance has the legal authority to issue certificates of registration. NY TAX LAW § 480-a (2009).

► Revoke Licensure of Retailers
The Commissioner of the Department of Taxation and Finance has the legal authority to revoke certificates of registration of tobacco product retailers. NY TAX LAW § 480-a (2009).

► Restrict Advertising and Sponsorship
Under the Family Smoking Prevention and Tobacco Control Act, the Food and Drug Administration has wide-ranging authority to regulate tobacco product marketing and to restrict tobacco advertising and promotion in the interest of public health. H.R. 1256 (2009). The new legislation allows states to restrict the location, color, size, number and placement of cigarette advertisements and leaves unchanged local and state government power to regulate smokeless tobacco or other tobacco products.

In New York, the State Legislature has the enforcement authority to restrict the advertising of other tobacco products but has not done so to date.

► Criminalize the Possession or Purchase by Minors
The State Legislature has the enforcement authority to criminalize the possession or purchase of tobacco products by minors but has not done so to date. Any person operating a place of business where tobacco products are sold is prohibited from selling such products to individuals under the age of 18. NY PUB. HEALTH LAW § 1399-cc (2003).

► Compliance Checks
County boards of health, or a designated enforcement officer in counties with no local board of health, have the legal authority to conduct random tobacco compliance checks. If no enforcement officer is designated, the county is deemed to have designated the Department of Health and Mental Hygiene as its enforcement officer. NY PUB. HEALTH LAW §§ 1399-hh (1997) & 1399-t (2003).

► Collection of Fines
An enforcement officer other than the Department of Health and Mental Hygiene shall use 50% of penalties collected for educational efforts to prevent adolescent tobacco use. NY PUB. HEALTH LAW § 1399-ff (2000).

► Distribution of Tobacco Settlement Money
The State Legislature is involved in the decision making process for the distribution of the tobacco settlement money.

FOR MORE INFORMATION
www.megalaw.com/ny/nycode.php
http://public.leginfo.state.ny.us/menugetf.cgi
The State Legislature has the legal authority to restrict smoking in public places such as bars, restaurants, workplaces, etc. North Carolina’s Smoke-free Restaurants and Bars Law became effective January 2, 2010. S.L. 2009-27. A local government may adopt and enforce ordinances, board of health rules, policies restricting and prohibiting tobacco use that are more stringent than the state law. S.L. 2009-27 § 130A-498 (2009). As of August 1, 2008, all local boards of education in North Carolina are required to prohibit tobacco use by any person in all school buildings, on school grounds, and at all school-sponsored events. NC ST § 115C-407 (2007).

Enforcement:
A local health director may take action to impose penalties on public places and places of employment that fail to comply with the law. S.L. 2009-27 § 130A-499 (2009).

► Restrict Vending Machine Sales
The State Legislature, political subdivisions, boards or agencies of the State, counties, cities, municipalities, municipal corporations, towns, townships, and villages have the legal authority to restrict the sale of tobacco products through vending machines. NC ST § 14-313 (2005).

► Ban Free Samples and Single Cigarettes
The State Legislature has the legal authority to ban free tobacco samples and single cigarette sales. No political subdivisions, boards, or agencies of the State nor any county, city, municipality, municipal corporation, town, township or village may enact ordinances, rules, or regulations regarding the sale or distribution of tobacco products on or after September 1, 1995. NC ST § 14-313 (2005). Free tobacco samples to any person under the age of 18 is prohibited. NC ST § 14-313 (2005). There is no ban on the sale of single cigarettes to date.

► Ban Self-Service Displays
The State Legislature has the legal authority to ban self-service tobacco displays but has not done so to date. No political subdivisions, boards, or agencies of the State nor any county, city, municipality, municipal corporation, town, township, or village may enact ordinances, rules, or regulations regarding the display of tobacco products on or after September 1, 1995. NC ST § 14-313 (2005).

► Restrict Internet Sales and Distribution
The State Legislature has the legal authority to restrict the Internet sale of tobacco products but has not done so to date.

► Levy Taxes
The State Legislature has the legal authority to levy taxes on tobacco products. NC ST § 105-113.5 (2005) imposes a tax and sets the tax rate on cigarettes. NC ST § 105-113.35 (2007) imposes a tax and sets the tax rate on other tobacco products.

► License Retailers
The State Legislature and the Secretary of Revenue has the legal authority to license tobacco product retailers. Retail dealers of cigarettes are not required to be licensed. Retail dealers of other tobacco products are required to obtain a license for each place of business. NC ST § 105-113.36 (1991).

► Revoke Licensure of Retailers
The Secretary of Revenue has the legal authority to revoke licensure of tobacco product retailers. NC ST § 105-113.4B (1999).

► Restrict Advertising and Sponsorship
Under the Family Smoking Prevention and Tobacco Control Act, the Food and Drug Administration has wide-ranging authority to regulate tobacco product marketing and to restrict tobacco advertising and promotion in the interest
of public health. H.R. 1256 (2009). The new legislation allows states to restrict the location, color, size, number and placement of cigarette advertisements and leaves unchanged local and state government power to regulate smokeless tobacco or other tobacco products.

In North Carolina, the State Legislature has the legal authority to restrict the advertising of other tobacco products. No political subdivisions, boards, or agencies of the State nor any county, city, municipality, municipal corporation, town, township, or village may enact ordinances, rules, or regulations regarding the promotion of tobacco products on or after September 1, 1995. NC ST § 14-313 (2005).

► Criminalize the Possession or Purchase by Minors
The State Legislature has the legal authority to criminalize and has criminalized the possession or purchase of tobacco products by minors. NC ST § 14-313(c) (2005).

► Compliance Checks
The Department of Health and Human Services and local law enforcement have the legal authority to conduct random compliance checks. NC ST § 14-313(d) (2005).

► Collection of Fines
The State Legislature controls and distributes the money collected from penalties for tobacco sales violations.

► Distribution of Settlement Money
The State Legislature is involved in the decision making process for the distribution of the tobacco settlement money.

FOR MORE INFORMATION
www.ncga.state.nc.us/Statutes/Statutes.html
**Restrict Smoking in Public Places**

The State Legislature, cities, and counties have the legal authority to restrict smoking in public places such as bars, restaurants, workplaces, etc. ND ST § 23-12-10.2 (2005). Restrictions on smoking in public places are found at ND ST §§ 23-12-09 et seq. (2005).

**Enforcement:**
The State Department of Health, the Fire Marshal Department, the Office of Management and Budget, Legislative Council, the Department of Human Services, and appropriate law enforcement agencies have the authority to enforce restrictions on smoking in public places. ND ST § 23-12-10.2 (2005).

**Restrict Vending Machine Sales**

The State Legislature, cities, and counties have the legal authority to restrict the sale of tobacco products through cigarette vending machines. ND ST § 12.1-31-03(4) (2007). The sale of tobacco products through a vending machine to minors is prohibited. ND ST § 12.1-31-03(1) (2007).

**Ban Free Samples and Single Cigarettes**

The State Legislature has the legal authority to ban free tobacco samples and single cigarette sales. All cigarettes sold must be in packages containing 20 cigarettes or more. ND ST § 57-36-07 (1999). Free tobacco samples to minors are prohibited. ND ST § 12.1-31-03(1) (2007).

**Enforcement:**
The Tax Commissioner and his authorized agents have the legal authority to enforce the restrictions on single cigarette sales. ND ST § 57-36-18 (1991).

**Ban Self-Service Displays**

The State Legislature, cities, and counties have the legal authority to ban self-service tobacco displays. ND ST § 12.1-31-03(4) (2007). There is no statewide ban on self-service tobacco displays to date.

**Restrict Internet Sales and Distribution**

The State Legislature has the legal authority to restrict Internet sales of tobacco products. Restrictions on the Internet sale of tobacco products are found at ND ST § 51-32-01 (2005). These restrictions include age verification requirements and delivery requirements.

**Enforcement:**
The Attorney General or any person who holds a permit under 26 U.S.C. 5712 has the legal authority to enforce the restrictions on the sale of tobacco products over the Internet. ND ST § 51-32-08 (2005).

**Levy Taxes**

The State Legislature has the legal authority to levy taxes on tobacco products. ND ST § 57-36-06 (1969) imposes an excise tax and sets the tax rate on cigarettes. ND ST § 57-36-32 (1993) imposes a separate and additional tax on cigarettes. ND ST § 57-36-25 (2001) imposes an excise tax and sets the tax rate on other tobacco products.

**Enforcement:**
The Tax Commissioner and his authorized agents have the legal authority to enforce tax levies on tobacco products. ND ST § 57-36-18 (1991). The Tax Commissioner may call any state's attorney or peace officer to assist in enforcement. ND ST § 57-36-19 (1943).

**License Retailers**

The Attorney General has the legal authority to license tobacco product retailers. ND ST § 57-36-02 (1991).

**Revoke Licensure of Retailers**

The Attorney General has the legal authority to revoke licensure of tobacco product retailers. ND ST § 57-36-04 (1975).
Under the Family Smoking Prevention and Tobacco Control Act, the Food and Drug Administration has wide-ranging authority to regulate tobacco product marketing and to restrict tobacco advertising and promotion in the interest of public health. H.R. 1256 (2009). The new legislation allows states to restrict the location, color, size, number and placement of cigarette advertisements and leaves unchanged local and state government power to regulate smokeless tobacco or other tobacco products.

The State Legislature has the legal authority to criminalize the possession or purchase of tobacco products by minors. It is a non-criminal offense for a minor to purchase or possess tobacco products. ND ST § 12.1-31-03(2) (2007). A city or county may adopt stricter ordinances or resolutions regarding the sale of tobacco to minors and the use of tobacco by minors. Any ordinance or resolution regarding the purchase or possession of tobacco by a minor must include a provision stating that any violation is non-criminal. ND ST § 12.1-31-03(4) (2007).

Any law enforcement authority has the legal authority to conduct random tobacco compliance checks. A state agency, city, county, board of health, tobacco retailer, or association of tobacco retailers may also conduct compliance checks after coordination with the appropriate law enforcement authority. ND ST § 12.1-31-03(2) (2007).

An individual cited for a violation of ND ST § 12.1-31-03(2) appears before a court of competent jurisdiction and pays the penalty or posts a bond in the amount of the penalty. The citing officer is not allowed to receive the penalty or bond. ND ST § 12.1-31-03(5)(a) (2007).

The State Legislature is involved in the decision making process for the distribution of the tobacco settlement money.

FOR MORE INFORMATION
www.megalaw.com/nd/ndcode.php
The General Assembly and local legislative bodies have the authority to restrict smoking in public places such as bars, restaurants, workplaces, etc. D.A.B.E., Inc. v. Toledo-Lucas County Bd. of Health, 773 N.E.2d 536 (Ohio Sup. Ct. 2002). The Smoke-free Workplace Act is found at OH REV. CODE ANN. §§ 3794.01 et seq. (2006).

**Enforcement:**
The Department of Health and its designees have the legal authority to enforce the Smoke-free Workplace Act. OH REV. CODE ANN. § 3794.07 (2006).

**Restrict Vending Machine Sales**
The General Assembly has the legal authority to restrict the sale of tobacco products through cigarette vending machines. Restrictions on tobacco product sales through vending machines are found at OH REV. CODE ANN. § 2927.02 (2007).

**Ban Free Samples and Single Cigarettes**
The General Assembly, townships, and municipal corporations have the legal authority to ban free tobacco samples and single cigarette sales. (Uncodified Law, 2000 S 218, § 3, eff. 3-15-01). Free tobacco samples to minors are prohibited. OH REV. CODE ANN. § 2927.02 (2007). The sale of cigarettes in packages of fewer than 20 cigarettes is prohibited. OH REV. CODE ANN. § 2927.02 (2007).

**Ban Self-Service Displays**
The General Assembly has the legal authority to ban self-service tobacco displays but has not done so to date.

**Restrict Internet Sales and Distribution**
The General Assembly has the legal authority to restrict the Internet sales of tobacco products. Restrictions on the sale of cigarettes over the Internet are found at OH REV. CODE ANN. § 2927.023 (2007).

**Levy Taxes**
The General Assembly has the legal authority to levy taxes on tobacco products. OH REV. CODE ANN. § 5743.02 (2005) imposes an excise tax and sets the tax rate on cigarettes. OH REV. CODE ANN. § 5743.51 (1995) imposes an excise tax and sets the tax rate on other tobacco products.

**Enforcement:**
The Department of Taxation has the authority to enforce tax levies on tobacco products. OH REV. CODE ANN. § 5743.45 (2003).

**License Retailers**
County Auditors have the legal authority to license tobacco product retailers. OH REV. CODE ANN. § 5743.15 (2006).

**Revoke Licensure of Retailers**
The Tax Commissioner and the Court of Common Pleas have the legal authority to revoke licensure of tobacco product retailers. OH REV. CODE ANN. §§ 5743.17 (1999) & 5743.18 (2006).

**Restrict Advertising and Sponsorship Events**
Under the Family Smoking Prevention and Tobacco Control Act, the Food and Drug Administration has wide-ranging authority to regulate tobacco product marketing and to restrict tobacco advertising and promotion in the interest of public health. H.R. 1256 (2009). The new legislation allows states to restrict the location, color, size, number and placement of cigarette advertisements and leaves unchanged local and state government power to regulate smokeless tobacco or other tobacco products.

**Criminalize the Possession or Purchase by Minors**
The Ohio General Assembly, townships, and municipal corporations have the legal authority to...
criminalize the possession or purchase of tobacco products by minors. (Uncodified Law, 2000 S 218, § 3, eff. 3-15-01). No child shall purchase or possess tobacco products unless accompanied by a parent, spouse who is 18 years of age or older, or the legal guardian of the child. OH REV. CODE ANN. § 2151.87 (2008).

► Compliance Checks
Federal, state, local, and corporate entities, including the Ohio Department of Alcohol & Drug Addiction Services and the Ohio Department of Public Safety-Investigative Unit have the legal authority to conduct random tobacco compliance checks. OH REV. CODE ANN. § 2151.87 (2008).

► Collection of Fines
The General Assembly has the legal authority to determine who controls and distributes the money collected from penalties for tobacco control violations.

► Distribution of Settlement Money
The General Assembly is involved in the decision making process for the distribution of the tobacco settlement money.

FOR MORE INFORMATION
http://ohio.gov/government.stm
RESTRICT SMOKING IN PUBLIC PLACES

The State Legislature has the legal authority to restrict smoking in public places such as bars, restaurants, workplaces, etc. The Smoking in Public Places and Indoor Workplaces Act is found at 63 Okl.St.Ann. §§ 1-1521 et seq. (2003). Cities and towns may enact and enforce laws prohibiting conduct under this act, but the provisions of such laws shall be the same as provided in this act and any enforcement provisions shall not be more stringent than those of this act. 63 Okl.St.Ann. § 1-1527 (1987). Educational facilities may have more restrictive policies regarding smoking and the use of other tobacco products in the buildings or on the grounds of the facilities. 63 Okl.St.Ann. § 1-1523 (2007).

RESTRICT VENDING MACHINE SALES

The State Legislature has the legal authority to restrict the sale of tobacco products through cigarette vending machines. No agency or other political subdivision of the state, including municipalities and counties, may adopt any order, ordinance, rule, or regulation concerning the sale of tobacco products. 37 Okl.St.Ann. § 600.10 (1994).

ENFORCEMENT

The Alcoholic Beverage Laws Enforcement Commission has the legal authority to enforce the restrictions on tobacco product sales through vending machines. 37 Okl.St.Ann. § 600.11 (2004).

BAN FREE SAMPLES AND SINGLE CIGARETTES

The State Legislature has the legal authority to ban free tobacco samples and single cigarette sales. Free tobacco samples to any person under the age of 18 are prohibited nor shall free tobacco samples be distributed on any public street, sidewalk, or park within 300 feet of any playground, school, or other facility used primarily by persons under the age of 18. 37 Okl.St.Ann. § 600.8 (2004). It is unlawful to sell cigarettes except in the original, sealed package of the manufacturer. 37 Okl.St.Ann. § 600.9 (1997). Cities and towns may enact ordinances prohibiting and penalizing conduct under these sections but the provisions of such ordinances shall be the same as provided in § 600.8 & § 600.9 and any penalty provisions or enforcement provisions shall not be more stringent than those sections. 37 Okl.St.Ann. §§ 600.8 (2004) & 600.9 (1997).

ENFORCEMENT

The Alcoholic Beverage Laws Enforcement Commission has the legal authority to enforce the restrictions on free tobacco samples and single cigarette sales. 37 Okl. St.Ann. § 600.11 (2004). Municipal police officers may enforce ordinances prohibiting and penalizing conduct under these sections, but the provisions of such ordinances shall be the same as provided in § 600.8 & § 600.9 and any penalty provisions or enforcement provisions shall not be more stringent than these sections. 37 Okl.St.Ann. §§ 600.8 (2004) & 600.9 (1997).

BAN SELF-SERVICE DISPLAYS

The State Legislature has the legal authority to ban self-service tobacco displays. Self-service tobacco displays are banned except in retail stores which do not admit persons under the age of 18 into the store. 37 Okl.St.Ann. § 600.10A (2004). Cities and towns may enact ordinances prohibiting and penalizing conduct under this section but the provisions of such ordinances shall be the same as provided in § 600.10A and any penalty provisions shall not be more stringent than those of this section. 37 Okl.St.Ann. § 600.10A (C) (2004).

ENFORCEMENT

The Alcoholic Beverage Laws Enforcement Commission has the legal authority to enforce the restrictions on self-service tobacco displays. 37 Okl.St.Ann. § 600.11 (2004). Municipal police officers may enforce ordinances prohibiting and penalizing conduct under this section, but the provisions of such ordinances shall be the same as provided in § 600.10A (2004) and any penalty provisions shall not be more stringent than those of this section. 37 Okl.St.Ann. § 600.10A (C) (2004).
¶ Restrict Internet Sales and Distribution
The State Legislature has the legal authority to restrict the Internet sales of tobacco products. Restrictions on Internet sales are found at 68 Okl.St.Ann. §§ 317.1 et seq. (2003). No agency or other political subdivision of the state, including municipalities and counties, may adopt any order, ordinance, rule, or regulation concerning the sale of tobacco products. 37 Okl.St.Ann. § 600.10 (1994).

¶ Levy Taxes

Enforcement:
The Oklahoma Tax Commission has the authority to enforce tax levies on tobacco products. 68 Okl.St.Ann. § 410 (1965).

¶ License Retailers
The Oklahoma Tax Commission has the legal authority to license tobacco product retailers. 68 Okl.St.Ann. § 304 (2005). No agency or other political subdivision of the state, including municipalities and counties, may adopt any order, ordinance, rule, or regulation concerning the licensing of tobacco products. 37 Okl.St.Ann. § 600.10 (1994).

¶ Revoke Licensure of Retailers
The Oklahoma Tax Commission has the legal authority to revoke licensure of tobacco product retailers. 68 Okl.St.Ann. § 304 (2005).

¶ Restrict Advertising and Sponsorship
Under the Family Smoking Prevention and Tobacco Control Act, the Food and Drug Administration has wide-ranging authority to regulate tobacco product marketing and to restrict tobacco advertising and promotion in the interest of public health. H.R. 1256 (2009). The new legislation allows states to restrict the location, color, size, number and placement of cigarette advertisements and leaves unchanged local and state government power to regulate smokeless tobacco or other tobacco products.

¶ Criminalize the Possession or Purchase by Minors
The State Legislature has the legal authority to criminalize and has criminalized the possession or purchase of tobacco products by minors. 37 Okl.St.Ann. § 600.4 (1997). Cities and towns may enact ordinances, but the provisions shall be the same as provided in § 600.4 (1997), and the enforcement provisions shall not be more stringent than this section. 37 Okl.St.Ann. § 600.4(D) (1997).

Enforcement:
The Alcoholic Beverage Laws Enforcement Commission has the authority to enforce the criminalization of minors for possession or purchase of tobacco products. 37 Okl.St.Ann. § 600.11 (2004). Municipal police officers may enforce, but the provisions shall be the same as provided in § 600.4 (1997), and the enforcement provisions shall not be more stringent than this section. 37 Okl.St.Ann. § 600.4(D) (1997).

¶ Compliance Checks
The Alcoholic Beverage Laws Enforcement Commission, municipalities, towns, or counties have the legal authority to conduct random tobacco compliance checks. 37 Okl.St.Ann. § 600.11 (2004).
Collection of Fines
For violations that occur in a municipality that has adopted ordinances prohibiting and penalizing conduct under provisions of the Prevention of Youth Access to Tobacco Act, 35% of each administrative fine imposed by the Alcoholic Beverage Laws Enforcement Commission shall be remitted to such municipality. 37 Okl.St.Ann. § 600.11b (1997).

Distribution of Settlement Money
The Tobacco Settlement Endowment Trust Fund was created by constitutional amendment to receive a 75% of MSA payments. Monies not deposited in the trust fund are subject to legislative appropriation. 62 Okl.St.Ann. §§ 2301 et seq. (2001).

FOR MORE INFORMATION
www.lsbo.state.ok.us/
▶ Restrict Smoking in Public Places

The State Legislature and local government have the legal authority to restrict smoking in public places such as bars, restaurants, workplaces, etc. The Oregon Indoor Clean Air Act is found at O.R.S. §§ 433.835 et seq. (2007). Effective January 1, 2009 local government may restrict smoking in any area listed in § 433.850(2). O.R.S. § 433.863 (2007).

**Enforcement:**
The Department of Human Services, and counties who have been delegated or have contracted with the Department of Human Services, have the authority to enforce restrictions on smoking in public places. O.R.S. § 433.855 (2007). The Department of Human Services or local board of health may institute an action in the circuit court to enjoin repeated violations of the Oregon Indoor Clean Air Act. O.R.S. § 433.860 (1981).

▶ Restrict Vending Machine Sales

The State Legislature has the legal authority to restrict the sale of tobacco products through cigarette vending machines. Cities and counties may not regulate tobacco product vending machines. O.R.S. § 167.404 (1991). Vending machines are prohibited in any establishment except where the premises are permanently and entirely off-limits to minors. H.B.2136 (2009).

**Enforcement:**
The Department of Human Services, in coordination with law enforcement agencies, have the authority to enforce restrictions on vending machines. O.R.S. § 431.853 (1993).

▶ Ban Free Samples and Single Cigarettes

The State Legislature, cities, and counties have the legal authority to ban free tobacco samples and single cigarette sales. It is unlawful to distribute free tobacco samples to persons under the age of 18 as part of a marketing strategy to encourage the use of tobacco products. O.R.S. § 431.840 (1)(a) (2001). The sale of cigarettes in any form other than a sealed package is prohibited. O.R.S. § 431.840 (1)(e) (2001).

▶ Ban Self-Service Displays

Cities, counties, and the State Legislature have the legal authority to ban self-service tobacco displays. Self-service tobacco displays are banned unless located at an establishment where persons under the age of 18 are prohibited. O.R.S. § 167.407 (2003).

**Enforcement:**
The Department of Human Services, in coordination with law enforcement agencies, have the authority to enforce restrictions on self-service tobacco displays. O.R.S. § 167.407 (2003).

▶ Restrict Internet Sales and Distribution

The State Legislature has the legal authority to restrict the Internet sales of tobacco products. Restrictions on the Internet sales of tobacco products are found at O.R.S. §§ 323.700 et seq. (2003).

▶ Levy Taxes

The State Legislature has the legal authority to levy taxes on tobacco products. O.R.S. §§ 323.030 & 323.031 (2003) imposes taxes and sets the tax rate on cigarettes. O.R.S. § 323.505 (2003) imposes a tax and sets the tax rate on other tobacco products.

**Enforcement:**
The Department of Revenue has the legal authority to enforce the levies on cigarettes and other tobacco products. O.R.S. § 323.440 (1995).

▶ License Retailers

The State Legislature, cities, and counties have the legal authority to license tobacco product retailers. To date, tobacco product retailers are not required to be licensed by the state.
The State Legislature, cities, and counties have the legal authority to revoke licensure of tobacco product retailers.

Under the Family Smoking Prevention and Tobacco Control Act, the Food and Drug Administration has wide-ranging authority to regulate tobacco product marketing and to restrict tobacco advertising and promotion in the interest of public health. H.R. 1256 (2009). The new legislation allows states to restrict the location, color, size, number and placement of cigarette advertisements and leaves unchanged local and state government power to regulate smokeless tobacco or other tobacco products.

In Oregon, the State Legislature and local government have the legal authority to restrict the advertising of other tobacco products.

The State Legislature has the legal authority to criminalize and has criminalized the possession or purchase of tobacco products by minors. O.R.S. §§ 167.400 (1999) & 167.401 (1999).

The Department of Human Services coordinates with law enforcement agencies to conduct random unannounced inspections to insure compliance with Oregon laws designed to discourage tobacco use by minors. O.R.S. § 431.853 (1993).

The money collected for tobacco control violations are deposited to the credit of the General Fund. O.R.S. § 431.845 (1991).

The State Legislature and the Director of the Oregon Department of Administrative Services are involved in the decision-making process for the distribution of the tobacco settlement money. O.R.S. §§ 293.537 (2007) & 293.540 (2001).
The State Legislature has the legal authority to restrict smoking in public places, such as bars, restaurants, workplaces, etc. The Clean Indoor Air regulations are found at 35 Pa.C.S. §§ 637.1 et seq. (2008). Any local ordinance or rule is preempted. 35 Pa.C.S. § 637.11 (2008).

**Enforcement:**
The Department of Health of the Commonwealth and county boards of health have the legal authority to enforce the restrictions on smoking in public places. 35 Pa.C.S. § 637.5 (2008).

- **Restrict Vending Machine Sales**
The State Legislature has legal authority to restrict the sale of tobacco through vending machines. Vending machines containing tobacco products may not be located or placed in a location accessible to minors. 18 Pa.C.S. § 6305 (a)(4) (2002). The provisions of § 6305 preempt and supersede any local ordinance or rule enacted after January 1, 2002. 53 Pa.C.S. § 301 (2002).

**Enforcement:**
The Department of Health has the legal authority to enforce the restrictions on tobacco product sales through vending machines. 18 Pa.C.S. § 6305 (i) (2002).

- **Ban Free Samples and Single Cigarettes**
The State Legislature has the legal authority to ban free tobacco samples and single cigarette sales. Free tobacco samples to minors are prohibited. 18 Pa.C.S. § 6305(a)(2) (2002). It is illegal to offer a cigarette for sale out of a pack of cigarettes. 18 Pa.C.S. § 6305(a)(5) (2002). Local regulation after January 1, 2002 is preempted. 53 Pa.C.S. § 301 (2002).

- **Restrict Internet Sales and Distribution**
The State Legislature has the legal authority to restrict the Internet sales of tobacco products. Restrictions on the Internet sales of tobacco products are found at 72 Pa.C.S. § 231-A (2004).

- **Levy Taxes**
The State Legislature has the legal authority to levy taxes on cigarettes. 72 Pa.C.S. § 8206 (2003) imposes an excise tax and sets the tax rate on cigarettes. 72 Pa.C.S. § 8206.1 (2003) imposes an additional tax on cigarettes. There is no tax on other tobacco products to date.

**Enforcement:**
The Department of Revenue has the legal authority to enforce tax levies on cigarettes. 72 Pa.C.S.§ 8291 (1981).
License Retailers
The Department of Revenue has the legal authority to license tobacco product retailers. 72 Pa.C.S. § 208-A (1993). Local regulation enacted after January 1, 2002 is preempted. 53 Pa.C.S. § 301 (2002).

Revoke Licensure of Retailers
The Department of Revenue has the legal authority to revoke licensure of tobacco product retailers. 72 Pa.C.S. § 229-A (1999).

Restrict Advertising and Sponsorship
Under the Family Smoking Prevention and Tobacco Control Act, the Food and Drug Administration has wide-ranging authority to regulate tobacco product marketing and to restrict tobacco advertising and promotion in the interest of public health. H.R. 1256 (2009). The new legislation allows states to restrict the location, color, size, number and placement of cigarette advertisements and leaves unchanged local and state government power to regulate smokeless tobacco or other tobacco products.

In Pennsylvania, the State Legislature and local government have the legal authority to restrict the advertising of other tobacco products.

Criminalize the Possession or Purchase by Minors
The State Legislature has the legal authority to criminalize the possession or purchase of tobacco products by minors. The purchase of tobacco products by a minor is a criminal offense. 18 Pa.C.S. § 6305(a)(6) (2002). The provisions of § 6305 preempt and supersede any local ordinance or rule enacted after January 1, 2002. 53 Pa.C.S. § 301 (2002).

Compliance Checks
The Department of Health, county health departments, and municipal health departments have the legal authority to conduct random tobacco compliance checks. 18 Pa.C.S. § 6305(g) (2002).

Collection of Fines
The State Legislature has the legal authority to determine who controls and distributes the money collected from tobacco control penalties.

Distribution of Settlement Money
The State Legislature is involved in the decision-making process for the distribution of the tobacco settlement money.

FOR MORE INFORMATION
www.legis.state.pa.us/
► Restrict Smoking in Public Places
The State Legislature, cities, and towns have the legal authority to restrict smoking in public places such as bars, restaurants, workplaces, etc. The Public Health and Workplace Safety Act is found at RI ST §§ 23-20.10-1 et seq. (2004).

Enforcement:
The Department of Health has the authority to enforce smoking restrictions in public places. RI ST § 23-20.10-9 (2008).

► Restrict Vending Machine Sales
The State Legislature, cities, and towns have the legal authority to restrict the sale of tobacco products through cigarette vending machines. Restrictions on tobacco product sales through vending machines are found at RI ST § 11-9-13.1 (2001).

Enforcement:
The Department of Mental Health, Retardation and Hospitals have the authority to enforce the ban on single cigarette sales. RI ST § 11-9-13.6 (2001).

► Ban Self-Service Displays
The State Legislature, cities, and towns have the legal authority to ban self-service tobacco displays. There is no statewide ban on self-service tobacco displays to date.

► Restrict Internet Sales and Distribution
The State Legislature has the legal authority to restrict the Internet sales of tobacco products. Restrictions on the Internet sales of tobacco products are found at RI ST §§ 44-20.1-1 et seq. (2005).

Enforcement:
The Attorney General has the legal authority to enforce the restrictions on the Internet sales of tobacco products. RI ST § 44-20.1-9 (2005).

► Levy Taxes
The State Legislature has the legal authority to levy taxes on tobacco products. RI ST § 44-20-12 (2007) imposes a tax and sets the tax rate on cigarettes. RI ST § 44-20-13.2 (2008) imposes a tax and sets the tax rate on smokeless tobacco, cigars, and pipe tobacco products.

Enforcement:
The Tax Administrator has the authority to enforce tax levies on tobacco products. RI ST § 44-20-50 (1956).

► License Retailers
The Tax Administrator has the legal authority to license tobacco product retailers. RI ST § 44-20-2 (2007).

Enforcement:
The Tax Administrator has the authority to enforce the licensing requirements of tobacco product retailers. RI ST § 44-20-50 (1956).
► Revoke Licensure of Retailers
The Tax Administrator has the legal authority to revoke licensure of tobacco product retailers. RI ST § 44-20-8 (2007).

► Restrict Advertising and Sponsorship
Under the Family Smoking Prevention and Tobacco Control Act, the Food and Drug Administration has wide-ranging authority to regulate tobacco product marketing and to restrict tobacco advertising and promotion in the interest of public health. H.R. 1256 (2009). The new legislation allows states to restrict the location, color, size, number and placement of cigarette advertisements and leaves unchanged local and state government power to regulate smokeless tobacco or other tobacco products.

► Criminalize the Possession or Purchase by Minors
The State Legislature has the legal authority to criminalize the possession or purchase of tobacco products by minors. It is a criminal offense for a person under 18 years of age to purchase tobacco in any form. RI ST § 11-9-13 (2001). It is a criminal offense for a person under 18 years of age to visibly possess tobacco on any public street, place, or resort. RI ST § 11-9-14 (2007).

Enforcement:
The Department of Mental Health, Retardation and Hospitals has the legal authority to enforce the restrictions on the possession or purchase of tobacco products by minors. RI ST §§ 11-9-13.5 & 11-9-13.6 (2001). The local or state police department or the Attorney General may issue a citation for any violation of these restrictions. RI ST § 11-9-13.12 (1996).

► Compliance Checks
The Department of Mental Health, Retardation and Hospitals have the legal authority to conduct random tobacco compliance checks. RI ST § 11-9-13.6 (2001).

► Collection of Fines
One-half of all fines collected shall be transferred to the municipalities in which the citation originated and one-half of all the fines collected shall be transferred to the general fund. RI ST § 11-9-13.17 (1996).

► Distribution of Settlement Money
The Tobacco Settlement Financing Corporation Act is found at RI ST §§ 42-133-1 et seq. (2002). The Tobacco Settlement Financing Corporation was created as a public corporation of the state. The MSA receipts were sold to the corporation which is authorized to issue bonds backed by the MSA receipts. The Attorney General has the authority to administer, protect, and discharge all duties, rights, and obligations of the state under the Master Settlement Agreement and the qualifying statute. RI ST § 42-133-17 (2002).

FOR MORE INFORMATION
www.rilin.state.ri.us/Statutes/
The General Assembly and local government have the legal authority to restrict smoking in public places such as bars, restaurants, workplaces, etc. Foothills Brewing Concern Inc., et al. v. City of Greenville, 26467 (SC Sup. Ct. 2008). The Clean Indoor Air Act of 1990 is found at SC ST §§ 44-95-10 et seq. (1990).

The General Assembly has the legal authority to restrict the sale of tobacco products through cigarette vending machines. SC ST § 16-17-500 (C) (2006). Vending machine operators are required to be licensed by the Department of Revenue. SC ST § 12-21-660 (1993).

The General Assembly has the legal authority to ban free tobacco samples and single cigarette sales to minors. It is unlawful to give free tobacco samples to minors under the age of 18. SC ST §§ 16-17-500 (2006) & 16-17-502 (1996). It is unlawful to sell a package of cigarettes if the package differs with the requirements of the Federal Cigarette Labeling and Advertising Act for the placement of labels, warnings, or other information upon a package of cigarettes. SC CT § 16-17-505 (1999). Any laws, ordinances, or rules enacted after 1996 pertaining to tobacco products may not supersede state law or regulation. SC ST § 16-17-504 (1996).

In South Carolina, the Director of the Department of Revenue has the authority to enforce the ban on free tobacco samples to minors. SC ST § 16-17-503 (1996).

The General Assembly has the legal authority to regulate self-service tobacco displays but has not done so to date.

The General Assembly has the legal authority to restrict the Internet sales of tobacco products but has not done so to date.

The General Assembly has the legal authority to levy taxes on tobacco products. SC ST § 12-21-620 (1996) sets the tax rate on cigarettes and other tobacco products.

The Department of Revenue has the legal authority to license tobacco product retailers. SC ST § 12-21-660 (1993).

The Department of Revenue has the legal authority to revoke licensure of tobacco product retailers. SC ST § 12-21-10 (1962).

Under the Family Smoking Prevention and Tobacco Control Act, the Food and Drug Administration has wide-ranging authority to regulate tobacco product marketing and to restrict tobacco advertising and promotion in the interest of public health. H.R. 1256 (2009). The new legislation allows states to restrict the location, color, size, number and placement of cigarette advertisements and leaves unchanged local and state government power to regulate smokeless tobacco or other tobacco products.

The General Assembly has the legal authority to criminalize the possession or purchase of tobacco products by minors. The possession or purchase of tobacco products by a minor is prohibited. SC ST § 16-17-500 (2006).
Compliance Checks
The Director of the Department of Revenue has the legal authority to conduct random tobacco compliance checks. The Department shall designate an enforcement officer to conduct the annual inspections. SC ST § 16-17-503 (1996).

Collection of Fines
The Department of Revenue controls the money collected from penalties for tobacco control violations to offset the costs of enforcement. SC ST § 16-17-503 (1996).

Distribution of Settlement Money
All revenues payable to the State pursuant to the Master Settlement Agreement are divided as such: 73% of the revenues must be used for healthcare programs, 15% must be deposited in the Tobacco Community Trust Fund, 10% must be deposited in the Tobacco Settlement Economic Development Fund, and 2% must be deposited in the Tobacco Settlement Local Government Fund. SC ST § 11-11-170 (2001).

FOR MORE INFORMATION
www.scstatehouse.net/CODE/statmast.htm
Restrict Smoking in Public Places
The State Legislature has the legal authority to restrict smoking in public places such as bars, restaurants, workplaces, etc. Restrictions on smoking in public places or in places of employment are found at SDCL § 22-36-2 (2002). This section does not apply to restaurants and bars. SDCL §§ 22-36-2 (2002) & 35-4-1 et seq. (1987). The State Legislature is the exclusive regulator for all matters relating to the use of tobacco products. SDCL § 10-50-64 (1995).

Restrict Vending Machine Sales
The State Legislature has the legal authority to restrict the sale of tobacco products through cigarette vending machines. Restrictions on the sale of tobacco products through vending machines are found at SDCL § 34-46-2 (2009). A sign must be posted on cigarette vending machines stating that any person under 18 years of age is forbidden by law to purchase cigarettes from the machine. SDCL § 26-10-24 (1992). The State Legislature is the exclusive regulator of all matters relating to the sale of tobacco products. SDCL § 34-46-6 (1994).

Ban Free Samples and Single Cigarettes
The State Legislature has the legal authority to ban free tobacco samples and single cigarette sales. The distribution of free tobacco samples to minors is prohibited. SDCL § 34-46-2 (1) (2009). It is unlawful to distribute tobacco product samples on a public street, sidewalk, or park that is within 500 feet of a playground, school, or other facility when the facility is being used primarily by persons under the age of 18. SDCL § 34-46-2 (7) (2009). All cigarettes sold in the state must be in packages containing 20 or 25 cigarettes. SDCL § 10-50-2 (1984). The State Legislature is the exclusive regulator of all matters relating to the distribution and sale of tobacco products. SDCL § 34-46-6 (1994).

Ban Self-Service Displays
The State Legislature has the legal authority to ban self-service tobacco displays. The sale of tobacco products and cigarettes through self-service displays is prohibited. SDCL § 34-46-2 (6) (2009).

Restrict Internet Sales and Distribution
The State Legislature has the legal authority to restrict the Internet sale of tobacco products. Restrictions on the Internet sales of tobacco products are found at SDCL §§ 10-50-99 et seq. (2009). The State Legislature is the exclusive regulator of all matters relating to the distribution and sale of tobacco products. SDCL § 34-46-6 (1994).

Levy Taxes
The State Legislature has the legal authority to levy taxes on tobacco products. SDCL § 10-50-3 (2006) imposes a tax and sets the rate on cigarettes. SDCL § 10-50-61 (2006) imposes a tax and sets the rate on other tobacco products.

Enforcement:
The Secretary of Revenue and Regulation and inspectors of the Department of Revenue and Regulation have the legal authority to enforce tax levies on tobacco products. SDCL § 10-50-34 (2003).

License Retailers
The State Legislature has the legal authority to license tobacco product retailers but has not done so to date. Distributors and wholesalers are required to be licensed by the Secretary of Revenue and Regulation. SDCL § 10-50-9 (2007).

Revoke Licensure of Retailers
The Secretary of Revenue and Regulation has the legal authority to revoke licensure of tobacco product distributors and wholesalers. SDCL § 10-50-15 (2007).
Under the Family Smoking Prevention and Tobacco Control Act, the Food and Drug Administration has wide-ranging authority to regulate tobacco product marketing and to restrict tobacco advertising and promotion in the interest of public health. H.R. 1256 (2009). The new legislation allows states to restrict the location, color, size, number and placement of cigarette advertisements and leaves unchanged local and state government power to regulate smokeless tobacco or other tobacco products.

In South Dakota, the State Legislature has the legal authority to restrict the advertising of other tobacco products. The State Legislature is the exclusive regulator of all matters relating to the marketing and promotion of tobacco products. SDCL § 34-46-6 (1994).

The State Legislature has the legal authority to criminalize the possession or purchase of tobacco products by minors. The purchase or possession of tobacco products by a person under the age of 18 is prohibited. SDCL §§ 34-46-2 (2) (2009) & 26-10-20 (1986).

Each county’s State’s Attorney or a local law enforcement officer designated by the State’s Attorney has the legal authority to conduct random tobacco compliance checks. SDCL § 34-46-3 (1994).

The State Legislature controls and distributes the money collected from penalties for tobacco control violations.

For more information, visit http://legis.state.sd.us/statutes/index.aspx.

**Enforcement:**
Any law enforcement officer has the legal authority to issue a citation for violation of the Children's Act for Clean Indoor Air. TN ST § 39-17-1606 (1995). The Department of Health or the Department of Labor and Workforce have the authority to enforce smoking restrictions in locations already under their regulation. TN ST § 39-17-1806 (2007).

The General Assembly has the legal authority to regulate the sale of tobacco products through vending machines. Restrictions on the sale of tobacco products through vending machines are found at TN ST § 39-17-1507 (1999). The General Assembly occupies and preempts the entire field of legislation concerning the regulation of tobacco products. Any law enacted after March 15, 1994 by any agency or political subdivision of the state is void. TN ST § 39-17-1551 (1994).

**Enforcement:**
The Department of Agriculture has the legal authority to enforce the restrictions on tobacco product sales through vending machines. TN ST § 39-17-1509 (1999).

The General Assembly has the legal authority to regulate free tobacco samples and single cigarette sales. It is a criminal offense to distribute any tobacco product to anyone under the age of 18 or to distribute tobacco samples in or on any public street, sidewalk, or park. TN ST § 39-17-1504 (1999). No cigarette retailer may sell any pack of cigarettes containing fewer than 20 cigarettes. TN ST § 47-18-2003 (1999).

**Enforcement:**
The Department of Agriculture has the legal authority to enforce the restrictions on free tobacco samples. TN ST § 39-17-1509 (1999). The Attorney General has the legal authority to enforce the ban on single cigarette sales. TN ST § 47-18-2006 (1999).

The State Legislature has the legal authority to regulate self-service tobacco displays but has not done so to date.

The General Assembly has the legal authority to restrict the Internet sales of tobacco products. Restrictions on the delivery sales of cigarettes are found at TN ST § 67-4-1029 (2005).

**Enforcement:**
The Attorney General or his/her designee, or any person who holds a valid permit under 26 U.S.C. § 5712, has the legal authority to enforce the restrictions on the delivery sales of cigarettes. TN ST § 67-4-1029 (e) (2005).

The General Assembly has the legal authority to levy taxes on tobacco products. TN ST § 67-4-1004 (2007) sets the tax rate on cigarettes. TN ST § 67-4-1005 (2003) sets the tax rate on other tobacco products.
Enforcement:
The Department of Revenue has the legal authority to enforce the collection of taxes levied. TN ST § 67-4-1010 (1988).

► License Retailers
The General Assembly has the legal authority to license tobacco product retailers but has not done so to date. Manufacturing distributors, wholesale dealers and jobbers, and tobacco distributors are required to be licensed by the Commissioner of Revenue. TN ST § 67-4-1015 (2008). Tobacco product retailers are not required to be licensed by the state of Tennessee.

► Revoke Licensure of Retailers
The Commissioner of Revenue has the legal authority to revoke licensure of manufacturing distributors, wholesale dealers and jobbers, and tobacco distributors. TN ST § 67-4-1016 (1968).

► Restrict Advertising and Sponsorship
Under the Family Smoking Prevention and Tobacco Control Act, the Food and Drug Administration has wide-ranging authority to regulate tobacco product marketing and to restrict tobacco advertising and promotion in the interest of public health. H.R. 1256 (2009). The new legislation allows states to restrict the location, color, size, number and placement of cigarette advertisements and leaves unchanged local and state government power to regulate smokeless tobacco or other tobacco products.

In Tennessee, the General Assembly has the legal authority to restrict the advertising of other tobacco products. TN ST § 39-17-1551 (1994).

► Criminalize the Possession or Purchase by Minors
The General Assembly has the legal authority to criminalize and has criminalized the possession or purchase of tobacco products by minors. TN ST § 39-17-1505 (2001).

Enforcement:
A law enforcement officer or a school principal has the legal authority to issue a citation for the violation of TN ST § 39-17-1505 (2001).

► Compliance Checks
The Department of Agriculture has the legal authority to conduct random tobacco compliance checks. TN ST § 39-17-1509 (1999).

► Collection of Fines
The General Assembly controls and distributes the money collected from penalties for tobacco control violations.

► Distribution of Settlement Money
The General Assembly is involved in the decision-making process for the distribution of the tobacco settlement money.

FOR MORE INFORMATION
http://www.michie.com/tennessee/lpext.dll?f=templates&fn=main-h.htm&cp=tncode
restrict smoking in public places

the state legislature and local government have the legal authority to restrict smoking in public places such as bars, restaurants, workplaces, etc. smoking is prohibited in public primary or secondary schools, elevators, enclosed theaters or movie houses, libraries, museums, hospitals, transit system buses and intrastate buses, planes, or trains which are public places unless it is done in a designated smoking area or as part of an authorized theatrical performance. tx penal § 48.01 (1997).

restrict vending machine sales

the state legislature and local government have the legal authority to restrict the sale of tobacco products through cigarette vending machines. tx health & s §§ 161.084 (2007) & 161.086 (1999).

enforcement

the comptroller, in partnership with local law enforcement agencies, has the authority to enforce restrictions on tobacco product sales via vending machines. tx health & s § 161.088 (1999).

ban free samples and single cigarettes

the state legislature and local government have the legal authority to ban free tobacco samples and single cigarette sales. tx health & s § 161.089 (1997). free tobacco samples to minors are prohibited. tx health & s § 161.087 (1997). it is an offense to sell cigarettes in quantities less than an individual package containing at least 20 cigarettes. tx tax § 154.504 (1997).

enforcement

the comptroller in partnership with local law enforcement agencies has the authority to enforce restrictions on free tobacco samples. tx health & s § 161.088 (1999). the comptroller has the legal authority to enforce the ban on single cigarette sales. tx tax § 111.002 (1989).

ban self-service displays

the state legislature and local government have the legal authority to ban self-service tobacco displays. tx health & s § 161.089 (1997). restrictions on self-service tobacco displays are found at tx health & s §§ 161.086 (1999).

enforcement

the comptroller, in partnership with local law enforcement agencies, has the authority to enforce restrictions on self-service tobacco displays. tx health & s § 161.088 (1999).

restrict internet sales and distribution

the state legislature and local government have the legal authority to restrict internet sales of tobacco products. tx health & s § 161.089 (1997). restrictions on internet sales of cigarettes are found at tx health & s §§ 161.086 (1999).

enforcement

the attorney general may bring an action in state court to prevent or restrain any violations of the restrictions on internet sales. tx health & s § 161.462 (2003).

levy taxes

the state legislature has the legal authority to levy taxes on tobacco products. tx tax §§ 154.021 (2006) imposes a tax and sets the tax rate on cigarettes. tx tax § 155.021 (1991) imposes a tax and sets the tax rate on cigars. tx tax §§ 155.0211 (2006) imposes a tax and sets the tax rate on other tobacco products.

enforcement

the comptroller has the authority to enforce tax levies on tobacco products. tx tax § 111.002 (1989).

license retailers

the comptroller has the legal authority to license tobacco product retailers. a person may not

► Revoke Licensure of Retailers
The Comptroller has the legal authority to revoke the permits of tobacco product retailers. TX TAX §§ 154.114 (1999) & 155.059 (1999).

► Restrict Advertising and Sponsorship
Under the Family Smoking Prevention and Tobacco Control Act, the Food and Drug Administration has wide-ranging authority to regulate tobacco product marketing and to restrict tobacco advertising and promotion in the interest of public health. H.R. 1256 (2009). The new legislation allows states to restrict the location, color, size, number and placement of cigarette advertisements and leaves unchanged local and state government power to regulate smokeless tobacco or other tobacco products.

Enforcement:
The Comptroller has the authority to enforce restrictions on the advertising of tobacco products. TX HEALTH & S § 161.123 (1997).

► Criminalize the Possession or Purchase by Minors
The State Legislature and local government have the legal authority to criminalize the possession or purchase of tobacco products by minors. TX HEALTH & S § 161.089 (1997). It is an offense if anyone under the age of 18 possesses or purchases any tobacco product. TX HEALTH & S § 161.252 (1997).

Enforcement:
The Comptroller, in partnership with local law enforcement agencies, has the authority to enforce the criminalization of minors for the possession or purchase of tobacco products. TX HEALTH & S § 161.088 (1999).

► Compliance Checks
The Comptroller, in partnership with local law enforcement agencies, has the legal authority to conduct random tobacco compliance checks. TX HEALTH & S § 161.088 (1999).

► Collection of Fines
The State Legislature controls and distributes the money collected from penalties for tobacco control violations.

► Distribution of Tobacco Settlement Money
The State Legislature, the Comptroller, and the Tobacco Settlement Permanent Trust Account Investment Advisory Committee are involved in the decision-making process for the distribution of the tobacco settlement money. TX GOVT §§ 403.1041 et seq. (1999).

FOR MORE INFORMATION
http://tlo2.tlc.state.tx.us/statutes/statutes.html
**Restrict Smoking in Public Places**
The State Legislature has the legal authority to restrict smoking in public places such as bars, restaurants, workplaces, etc. The Utah Clean Indoor Air Act is found at UT ST §§ 26-38-1 et seq. (2006). The Utah Clean Indoor Air Act was amended to restrict smoking in restaurants, workplaces, and day care centers. Any ordinance enacted by a political subdivision that restricts smoking and that is not essentially identical to this Act is preempted, unless the ordinance restricts smoking outdoors on the grounds of a political subdivision, state institution of higher education, or state institution of public education. UT ST § 26-38-6 (2007).

**Enforcement:**
The State Health Department and local health departments have the authority to enforce restrictions on smoking in public places. UT ST § 26-38-9 (2008).

**Restrict Vending Machine Sales**
The State Legislature has the legal authority to restrict the sale of tobacco products through cigarette vending machines. Tobacco product sales through vending machines are banned unless the vending machine is located in an area that no person younger than 19 is permitted to enter without a parent or legal guardian. UT ST § 76-10-105.1 (2009). Local ordinances, regulations, or rules that are not essentially identical to this section are superseded. UT ST § 76-10-105.1(4) (2009).

**Ban Free Samples and Single Cigarettes**
The State Legislature has the legal authority to ban free tobacco samples and single cigarette sales. Free tobacco samples are banned except to adults at professional conventions where the general public is excluded, and to persons of legal age upon their purchase of tobacco products. UT ST §§ 76-10-111 (1990) & 76-10-112 (1989). A licensed retailer may not sell cigarettes in a package that contains fewer than 20 cigarettes. UT ST § 59-14-202 (2004).

**Ban Self-Service Displays**
The State Legislature has the legal authority to ban self-service tobacco displays. Self-service tobacco displays are banned unless located in an area that no person younger than 19 is permitted to enter without a parent or legal guardian. UT ST § 76-10-105.1 (2009). Local ordinances, regulations, or rules that are not essentially identical to this section are superseded. UT ST § 76-10-105.1(4) (2009).

**Restrict Internet Sales and Distribution**
The State Legislature has the legal authority to restrict the Internet sales of cigarettes. No authority that is not licensed by State Tax Commission may sell tobacco products by mail order. UT ST § 59-14-509 (2009).

**Levy Taxes**
The State Legislature has the legal authority to levy taxes on tobacco products. UT ST § 59-14-204 (2008) imposes a tax and sets the tax rate on cigarettes. UT ST § 59-14-302 (2008) imposes a tax and sets the tax rate on other tobacco products.

**Enforcement:**
The State Tax Commission has the authority to enforce tax levies on tobacco products. UT ST 59-1-210 (2008).

**License Retailers**

**Enforcement:**
The State Tax Commission has the authority to enforce the licensing requirements of tobacco product retailers. UT ST § 59-14-202 (2004).

**Revoke Licensure of Retailers**
The State Tax Commission has the legal authority to revoke licensure of tobacco product retailers. UT ST § 59-14-203.5 (1998).
Under the Family Smoking Prevention and Tobacco Control Act, the Food and Drug Administration has wide-ranging authority to regulate tobacco product marketing and to restrict tobacco advertising and promotion in the interest of public health. H.R. 1256 (2009). The new legislation allows states to restrict the location, color, size, number and placement of cigarette advertisements and leaves unchanged local and state government power to regulate smokeless tobacco or other tobacco products.

It is a Class B misdemeanor to advertise any tobacco product except outside a retailer’s place of business. UT ST § 76-10-102 (1986). Local ordinances, regulations, or rules that are not essentially identical to this section are superseded. UT ST § 76-10-105.1(4) (2009).

The State Legislature has the legal authority to criminalize and has criminalized the possession or purchase of tobacco products by minors. UT ST § 76-10-105 (2002).

Enforcement
The Juvenile Court has jurisdiction over any person under the age of 18 who buys or attempts to buy or has in his/her possession any tobacco product. UT ST § 76-10-105(2) (2002).


http://le.utah.gov/~code/code.htm
The State Legislature and municipalities have the legal authority to restrict smoking in public places such as bars, restaurants, workplaces, etc. VT ST T. 18 §§ 1428 (1987) & 1746 (1993). Restrictions on smoking in public places are found at VT ST T. 18 §§ 1741 et seq. (2005). Restrictions on smoking in the workplace are found at VT ST T. 18 §§ 1421 et seq. (2009).

**Enforcement:**
The Commissioner of Health and local boards of health have the authority to enforce restrictions on smoking in public places. VT ST T. 18 § 130 (1985). The Department of Health has the legal authority to enforce restrictions on smoking in the workplace. VT ST T. 18 § 1426 (2009).

**Restrict Vending Machine Sales**
The State Legislature has the legal authority to restrict the sale of tobacco products through cigarette vending machines. All vending machines selling tobacco products are prohibited. VT ST T. 7 § 1003 (c) (2001).

**Enforcement:**
The Liquor Control Board has the legal authority to enforce the ban on tobacco product vending machines. VT ST T. 7 § 1008 (1991).

**Ban Self-Service Displays**
The State Legislature has the legal authority to ban self-service tobacco displays. Restrictions on self-service tobacco displays are found at VT ST T. 7 § 1003 (d) (2001).

**Enforcement:**
The Liquor Control Board has the legal authority to enforce the restrictions on self-service tobacco displays. VT ST T. 7 § 1008 (1991).

**Restrict Internet Sales and Distribution**
The State Legislature has the legal authority to restrict the Internet sales of tobacco products. Restrictions on the Internet sales of tobacco products are found at VT ST T. 7 § 1010 et seq. (2008).

**Levy Taxes**
The State Legislature has the legal authority to levy taxes on tobacco products. VT ST T. 32 § 7771 (2009) imposes a tax and sets the tax rate on cigarettes, little cigars, and roll your own tobacco. VT ST T. 32 § 7811 (2009) imposes a tax and sets the tax rate on other tobacco products.

**Enforcement:**
The Commissioner of Taxes has the legal authority to enforce the tobacco product tax laws. VT ST T. 32 § 7701 (1947).

**License Retailers**
The legislative body of the municipality where the tobacco products are sold has the legal authority to license tobacco product retailers. VT ST T 7 § 1002 (2007).

**Revoke Licensure of Retailers**
The Commissioner of Liquor Control or the Liquor Control Board has the legal authority to revoke licensure of tobacco product retailers. VT ST T. 7 § 236 (2002).
Under the Family Smoking Prevention and Tobacco Control Act, the Food and Drug Administration has wide-ranging authority to regulate tobacco product marketing and to restrict tobacco advertising and promotion in the interest of public health. H.R. 1256 (2009). The new legislation allows states to restrict the location, color, size, number and placement of cigarette advertisements and leaves unchanged local and state government power to regulate smokeless tobacco or other tobacco products.

The State Legislature has the legal authority to criminalize the possession or purchase of tobacco products by minors. The possession or purchase of tobacco products by a minor is prohibited. VT ST T. 7 § 1005 (1997).

The Department of Liquor Control has the legal authority to conduct random tobacco compliance checks. Sec. 13, VT ACT 58 (1997).

The State Legislature controls and distributes the money collected from penalties for tobacco control violations.

The State Legislature is involved in the decision-making process for the distribution of tobacco settlement money.

FOR MORE INFORMATION
www.leg.state.vt.us/statutes/statutes2.htm
The General Assembly has the legal authority to restrict smoking in public places such as bars, restaurants, workplaces, etc. The State of Virginia has a preemptive smoke-free indoor air law. The Virginia Indoor Clean Air Act of 2009 is found at Va. Code Ann. §§ 15.2-2820 et seq. (2009). No ordinances adopted after January 1, 1990 shall exceed the provisions or standards of this act. Va. Code Ann. § 15.2-2828(b) (2009). These provisions are set to be effective December 1, 2009.

**Enforcement:**
Any law enforcement officer has the authority to enforce restrictions on smoking in public places. Va. Code Ann. § 15.2-2833 (2009). This provision is set to be effective December 1, 2009.

**Restrict Vending Machine Sales**
The General Assembly has the legal authority to restrict the sale of tobacco products through cigarette vending machines. Restrictions on the sale of tobacco products through vending machines are found at Va. Code Ann. § 18.2-371.2 (2003).

**Enforcement:**

**Ban Free Samples and Single Cigarettes**

**Enforcement:**

**Ban Self-Service Displays**
The General Assembly has the legal authority to ban self-service tobacco displays but has not done so to date.

**Restrict Internet Sales and Distribution**
The General Assembly has the legal authority to restrict the Internet sale of tobacco products. The restrictions on Internet sales are found at Va. Code Ann. §§ 18.2-246.6 et seq. (2005).

**Enforcement:**

**Levy Taxes**

**Enforcement:**

**License Retailers**
The General Assembly has the legal authority to license tobacco product retailers but has not done so to date. Tobacco product distributors are required to be licensed by the Department of Taxation. Va. Code Ann. § 58.1-1021.04:1 (2005).
► **Revoke Licensure of Retailers**
Tobacco product retailers are not required to be licensed. The Department of Taxation has the legal authority to revoke licensure of tobacco product distributors. Va. Code Ann. § 58.1-1035 (2000).

► **Restrict Advertising and Sponsorship**
Under the Family Smoking Prevention and Tobacco Control Act, the Food and Drug Administration has wide-ranging authority to regulate tobacco product marketing and to restrict tobacco advertising and promotion in the interest of public health. H.R. 1256 (2009). The new legislation allows states to restrict the location, color, size, number and placement of cigarette advertisements and leaves unchanged local and state government power to regulate smokeless tobacco or other tobacco products.

► **Criminalize the Possession or Purchase by Minors**
The General Assembly has the legal authority to criminalize and has criminalized the possession or purchase of tobacco products by minors. Va. Code Ann. § 18.2-371.2 (C) (2003).

**Enforcement**
Any law enforcement officer has the authority to enforce the criminalization of minors for the purchase or possession of tobacco products. Va. Code Ann. § 18.2-371.2 (D) (2003).

► **Compliance Checks**
The Department of Agriculture and Consumer Services has the authority to promulgate regulations which allow the Department to undertake compliance checks. Va. Code Ann. § 18.2-371.2 (E) (2) (2003).

► **Collection of Fines**

► **Distribution of Settlement Money**

**FOR MORE INFORMATION**
www.virginia.gov/cmsportal2/government_4096/codes_and_laws.html
► Restrict Smoking in Public Places
The State Legislature and local government have the legal authority to restrict smoking in public places such as bars, restaurants, workplaces, etc. The Washington Clean Indoor Air Act is found at WA ST §§ 70.160.011 et seq. (2005).

Enforcement:
Local law enforcement and local health departments have the authority to enforce the restrictions on smoking in public places. WA ST § 70.160.070 (2005).

► Restrict Vending Machine Sales
The State Legislature has the legal authority to restrict the sale of tobacco products through cigarette vending machines. Political subdivisions are preempted from regulating tobacco product vending machines. WA ST § 70.155.130 (1993). No tobacco products may be sold in vending machines unless the vending machine is located in areas where minors are prohibited and not less than 10 feet from entrances and exits to and from the premises. WA ST § 70.155.030 (1994).

Enforcement:
The Liquor Control Board has the authority to enforce restrictions on tobacco product sales through vending machines. WA ST § 70.155.100 (2006).

► Ban Free Samples and Single Cigarettes
The State Legislature has the legal authority to ban free tobacco samples and single cigarette sales. WA ST § 70.155.130 (1993). Free tobacco samples are banned in Washington. WA ST § 70.155.050 (2006). No person may sell cigarettes not in the original unopened package to which the appropriate tax stamps have been affixed. WA ST § 70.155.040 (1993).

Enforcement:
The Liquor Control Board has the authority to enforce bans on free tobacco samples and single cigarette sales. WA ST § 70.155.100 (2006).

► Ban Self-Service Displays
The State Legislature and local government have the legal authority to ban self-service tobacco displays. There is no statewide ban on self-service tobacco displays to date. WA ST § 70.155.130 (1993).

► Restrict Internet Sales and Distribution
The State Legislature has the legal authority to restrict the Internet sales of tobacco products. Restrictions on delivery sales of cigarettes are found at WA ST § 70.155.105 (2009).

► Levy Taxes

Enforcement:
The Department of Revenue has the authority to enforce tax levies on tobacco products. WA ST § 82.24.235 (1995).

► License Retailers
The Liquor Control Board has the legal authority to license tobacco product retailers. WA ST §§ 82.24.500 et seq. (2003); 82.26.150 (2009); & 82.26.190 (2009).

Enforcement:
The Liquor Control Board has the authority to enforce the licensing requirements of tobacco product retailers. WA ST §§ 82.24.550 (2009) & 82.26.220 (2009).

► Revoke Licensure of Retailers
The Liquor Control Board has the legal authority to revoke licensure of tobacco product retailers. WA ST §§ 70.155.110 (1993), 82.24.550 (2009), & 82.26.220 (2009).
Under the Family Smoking Prevention and Tobacco Control Act, the Food and Drug Administration has wide-ranging authority to regulate tobacco product marketing and to restrict tobacco advertising and promotion in the interest of public health. H.R. 1256 (2009). The new legislation allows states to restrict the location, color, size, number and placement of cigarette advertisements and leaves unchanged local and state government power to regulate smokeless tobacco or other tobacco products.

In Washington, the State Legislature and local government have the legal authority to restrict the advertising of other tobacco products. WA ST § 70.155.130 (1993), Lindsey v. Tacoma-Pierce County Health Dept., W.D.Wash.1997, 8 F.Supp.2d 1213.

The State Legislature has the legal authority to criminalize the possession or purchase of tobacco products by minors. A person under the age of 18 who purchases or possesses tobacco products commits a class 3 civil infraction. WA ST § 70.155.080 (2002).

The Liquor Control Board has the legal authority to enforce the restrictions on the purchase or possession of tobacco products by minors. WA ST § 70.155.110 (1993).

The Liquor Control Board may work with local county health departments or districts and local law enforcement agencies to conduct random tobacco compliance checks. WA ST § 70.155.110 (1993).

The Youth Tobacco Prevention Account was created in the state treasury. Ninety percent of the fees and penalties collected are deposited in this account. Ten percent of all fees and penalties collected are deposited in the state general fund. WA ST § 70.155.120 (1993).

The Tobacco Settlement Account was created in the state treasury. Monies received by the state of Washington under the MSA are deposited in this account. WA ST § 43.79.480 (2009).

FOR MORE INFORMATION
www1.leg.wa.gov/LawsAndAgencyRules/
The State Legislature and local boards of health have the legal authority to restrict smoking in public places such as bars, restaurants, workplaces, etc. WV ST § 16-2-11 (2000).

**Enforcement:**
The Commissioner of the Bureau for Public Health has the legal authority to enforce restrictions on smoking in public places. WV ST § 16-2-11 (2000).

**Restrict Vending Machine Sales**
The State Legislature has the legal authority to restrict the sale of tobacco products through cigarette vending machines. No tobacco products may be sold through a vending machine unless the vending machine is located in an establishment to which individuals under the age of 18 are not admitted or if the establishment is licensed as a class A licensee by the alcohol beverage control commissioner. WV ST § 16-9A-8 (2000).

**Ban Free Samples and Single Cigarettes**
The State Legislature has the legal authority to ban free tobacco samples and single cigarette sales. Free tobacco samples to any person under the age of 18 are prohibited. WV ST § 16-9A-2 (2000). Single cigarette sales are banned. WV ST § 16-9A-10 (2009).

**Ban Self–Service Displays**
The State Legislature has the legal authority to ban self-service tobacco displays but has not done so to date.

**Restrict Internet Sales and Distribution**
The State Legislature has the legal authority to restrict the Internet sale of cigarettes. Restrictions on the Internet sale of cigarettes are found at WV ST §§ 16-9E-1 et seq. (2003).

**Enforcement:**
For violations resulting in a delivery of tobacco products, the prosecuting attorney of the county where the delivery is made has the legal authority to prosecute the violation and to bring any action to prevent further violations. The Attorney General or any other person who holds a valid permit under 26 U.S.C. § 5712 has the legal authority to enforce all other violations. WV ST § 16-9E-8 (2003).

**Levy Taxes**
The State Legislature has the legal authority to levy taxes on tobacco products. No municipality or governmental subdivision may levy any excise or other tax on any tobacco product. WV ST § 11-17-4a (2001). WV ST § 11-17-3 (2003) imposes a tax and sets the tax rate on cigarettes and other tobacco products.

**Enforcement:**
In West Virginia, the Tax Commissioner, his agent or employee, has the legal authority to enforce tax levies on cigarettes and other tobacco products. The state police or any county sheriff or his/her deputy is authorized to assist in this enforcement. WV ST § 11-17-17 (1978).

**License Retailers**
The Tax Commissioner has the legal authority to license tobacco product retailers. WV ST § 11-12-4a (2000). No municipality or governmental subdivision may require licenses for the sale of cigarettes or other tobacco products. WV ST § 11-17-4a (2001).

**Enforcement:**
Any employee of the Tax Department so designated by the Tax Commissioner has the legal authority to enforce the tobacco product license requirements.

**Revoke Licensure of Retailers**
The Tax Commissioner has the legal authority to revoke licensure of tobacco product retailers. WV ST § 11-12-5 (2008).
Under the Family Smoking Prevention and Tobacco Control Act, the Food and Drug Administration has wide-ranging authority to regulate tobacco product marketing and to restrict tobacco advertising and promotion in the interest of public health. H.R. 1256 (2009). The new legislation allows states to restrict the location, color, size, number and placement of cigarette advertisements and leaves unchanged local and state government power to regulate smokeless tobacco or other tobacco products.

In West Virginia, the State Legislature and local government have the legal authority to restrict the advertising of other tobacco products. Restrictions on outdoor billboard advertisements for smokeless tobacco are found at WV ST § 16-9A-5 (1987).

The State Legislature has the legal authority to criminalize the possession or purchase of tobacco products by minors. No minors may use or possess cigarettes or other tobacco products. WV ST § 16-9A-3 (2000).

The state police, municipal police, county sheriffs, and the Alcohol Beverage Control Administration have the legal authority to conduct random tobacco compliance checks. WV ST § 16-9A-7 (1998).

Any fine collected for violation of the statute prohibiting the sale or gift of tobacco to minors shall be paid to the clerk of the court in which the conviction was obtained. WV ST § 16-9A-7 (1998).

The State Legislature is involved in the decision making process for the distribution of the tobacco settlement money.

FOR MORE INFORMATION
http://www.legis.state.wv.us/WVCODE/Code.cfm
The State Legislature, counties, cities, villages, and towns have the legal authority to restrict smoking in public places such as bars, restaurants, workplaces, etc. Restrictions on smoking in public places are found at WI ST § 101.123 (2009).

**Enforcement:**
State or local officials or any affected party may institute an action in any court to enjoin repeated violations of the restrictions on smoking in public places. WI ST § 101.123 (2009).

**Restrict Vending Machine Sales**
The State Legislature has the legal authority to restrict the sale of tobacco products through cigarette vending machines. Counties, cities, villages, and towns may adopt ordinances regarding vending machines only if they strictly conform to the state statute. WI ST § 134.66 (5) (2007). Tobacco product vending machines must be located in a place that no person younger than 18 years of age is present or permitted to enter unless he or she is accompanied by a parent, guardian, or spouse who has attained the age of 18. No retailer may place a tobacco product vending machine within 500 feet of a school. WI ST § 134.66 (2007).

**Ban Free Samples and Single Cigarettes**
The State Legislature has the legal authority to ban free tobacco samples and single cigarette sales. A county, town, village, or city may adopt an ordinance regulating free tobacco samples and single cigarette sales only if it strictly conforms to the state statute. WI ST § 134.66 (5) (2007). Free tobacco samples to minors are banned. Free tobacco samples may only be distributed in a place where no person younger than 18 years of age is permitted to enter unless accompanied by a parent, guardian or spouse who has attained 18 years of age. WI ST §134.66 (2007). No retailer may sell cigarettes in a form other than as a package or container on which a tax stamp is affixed. WI ST § 134.66 (2007).

**Ban Self-Service Displays**
The State Legislature has the legal authority to ban self-service tobacco displays but has not done so to date.

**Restrict Internet Sales and Distribution**
The State Legislature has the legal authority to restrict Internet and delivery sales of tobacco products. Restrictions on Internet and delivery sales of cigarettes are found WI ST § 139.345 (2005).

**Levy Taxes**
The State Legislature has the legal authority to levy taxes on tobacco products. WI ST § 139.31 (2009) imposes a tax and sets the tax rate on cigarettes. WI ST § 139.76 (2009) imposes a tax and sets the tax rate on other tobacco products.

**Enforcement:**
The Department of Revenue has the legal authority to enforce the tax levies on cigarettes and other tobacco products. WI ST § 139.39 (2003).

**License Retailers**
A city, village, or town clerk has the legal authority to license tobacco product retailers. WI ST § 134.65 (2001). Multiple retailers (any person who operates 10 or more retail outlets) must obtain a state permit from the Department of Revenue to sell cigarettes. WI ST § 139.34 (2005).

**Enforcement:**
The Department of Revenue has the authority to enforce the licensing requirements of tobacco product retailers. WI ST § 139.39 (2003).

**Revoke Licensure of Retailers**
In Wisconsin, the Secretary of Revenue has the legal authority to revoke the permits of multiple retailers. WI ST § 139.39 (2003).
Under the Family Smoking Prevention and Tobacco Control Act, the Food and Drug Administration has wide-ranging authority to regulate tobacco product marketing and to restrict tobacco advertising and promotion in the interest of public health. H.R. 1256 (2009). The new legislation allows states to restrict the location, color, size, number and placement of cigarette advertisements and leaves unchanged local and state government power to regulate smokeless tobacco or other tobacco products.

The State Legislature has the legal authority to criminalize the possession or purchase of tobacco products by minors. A county, town, village, or city may enact an ordinance regulating the purchase or possession of tobacco products by minors only if it strictly conforms to this statute. WI ST § 254.92 (4) (2005). No person under 18 years of age may purchase or possess cigarettes or other tobacco products. WI ST § 254.92 (2) (2005).

The Department of Health and Family Services, local health departments, a state agency, or a state or local law enforcement agency or any other person under contract to conduct compliance checks have the legal authority to conduct random tobacco compliance checks. WI ST § 254.916 (2001).

The State Legislature has the legal authority to control and distribute the money collected from penalties for tobacco control violations.

The State Legislature enacted legislation in 2001 that securitized Wisconsin's tobacco settlement payments over the next 20-25 years. WI ST § 16.63 (2007). More than $5.7 billion in expected MSA payments were sold for an immediate lump sum of $1.6 billion. This $1.6 billion was used to address Wisconsin's budget deficit. Wisconsin will have no more tobacco settlement payments for at least 14 years.

FOR MORE INFORMATION
www.legis.state.wi.us/rsb/stats.html
The State Legislature, cities, and towns have the legal authority to restrict smoking in public places, such as bars, restaurants, workplaces, etc. The general powers of cities and towns include the power to adopt ordinances, restrictions, and regulations necessary for the health, welfare, and safety of the city or town. WY ST § 15-1-103 (2009). In Wyoming, there is no statewide clean indoor air act to date.

**Restrict Vending Machine Sales**
The State Legislature and local government have the legal authority to restrict the sale of tobacco products through cigarette vending machines. WY ST § 14-3-308 (2004). Restrictions on the sale of tobacco products through vending machines are found at WY ST § 14-3-303 (2007).

**Enforcement:**
The State Department of Health enforces compliance with vending machine restrictions on selling tobacco products. WY ST § 14-3-307 (2000).

**Ban Free Samples and Single Cigarettes**
The State Legislature has the legal authority to ban free tobacco samples. WY ST § 14-3-308 (b) (2004). Free tobacco samples to persons under the age of 18 are prohibited. WY ST § 14-3-302 (2000). The State Legislature and local government have the legal authority to ban the sale of single cigarettes. WY ST §14-3-308 (a) (2004). There is no statewide ban on the sale of single cigarettes to date.

**Enforcement:**
The State Department of Health and local law enforcement have the legal authority to enforce any restrictions on free tobacco samples and single cigarette sales. WY ST § 14-3-307 (2000).

**Ban Self-Service Displays**
The State Legislature has the legal authority to ban self-service tobacco displays. WY ST § 14-3-308 (b) (2004). Any person offering tobacco products in a place at which persons under the age of 18 are admitted must maintain all tobacco products within the line of sight or under the control of the cashier or other employee. WY ST § 14-3-303 (2007).

**Restrict Internet Sales and Distribution**
The State Legislature has the legal authority to restrict Internet and delivery sales of tobacco products. Any person who sells or distributes for sale or resell cigarettes over the Internet or delivery to anyone in the State of Wyoming must be licensed as a wholesaler by the Department of Revenue. WY ST §§ 39-18-101 (2009) & 39-18-106 (2005).

**Levy Taxes**
The State Legislature has the legal authority to levy taxes on tobacco products. WY ST § 39-18-104 (2009) imposes a tax and sets the tax rate on cigarettes and other tobacco products.

**License Retailers**
The State Legislature and local government have the legal authority to license tobacco product retailers. WY ST § 14-3-308 (2004). The state of Wyoming requires wholesalers, cigarette importers, and cigarette manufacturers to be licensed by the Department of Revenue. WY ST § 39-18-106 (2005). Retailers are not required to be licensed by the state of Wyoming to date.

**Revoke Licensure of Retailers**
Local government has the legal authority to revoke licensure of tobacco product retailers. WY ST § 14-3-308 (2004).
Under the Family Smoking Prevention and Tobacco Control Act, the Food and Drug Administration has wide-ranging authority to regulate tobacco product marketing and to restrict tobacco advertising and promotion in the interest of public health. H.R. 1256 (2009). The new legislation allows states to restrict the location, color, size, number and placement of cigarette advertisements and leaves unchanged local and state government power to regulate smokeless tobacco or other tobacco products.

**Criminalize the Possession or Purchase by Minors**

The State Legislature has the legal authority to criminalize and has criminalized the possession or purchase of tobacco products by minors. WY ST §§ 14-3-304 (a) (2000) & 14-3-305 (a) (2000).

**Compliance Checks**

The State Department of Health has the legal authority to contract with or provide grants to local law enforcement agencies or other local individuals or entities to conduct random, unannounced inspections at tobacco retail locations. WY ST § 14-3-307 (2000).

**Collection of Fines**

The State Legislature control and distribute the money collected from penalties for tobacco control violations.

**Distribution of Settlement Money**

The State Legislature, the Governor, and the State Health Department are involved in the decision-making process for the distribution of the tobacco settlement money.

**FOR MORE INFORMATION**

http://legisweb.state.wy.us/titles/statutes.htm
The National Association of Local Boards of Health has publications available in the following public health programs:

- BOARD GOVERNANCE
- ENVIRONMENTAL HEALTH
- COMMUNITY HEALTH
- EMERGENCY PREPAREDNESS

For a complete listing of all available NALBOH publications, please visit www.nalboh.org.